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Pennsylvania. Laws, statutes, etc.
Laws.

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LAWS
OF THE
GENERAL ASSEMBLY
OF THE
COMMONWEALTH OF PENNSYLVANIA,

PASSED AT THE SESSION OF 1835-36.

IN THE

SIXTIETH YEAR OF INDEPENDENCE.



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13. Resolution requiring the President, Faculty and Trustees of Colleges, and Trustees or Managers of Academies or Schools, (other than Common Schools,) to make certain reports to the Superintendent of Common Schools.	842
14. Resolution relative to the claim of Edward Innman, James and Samuel Thompson, and Joseph Wright.	ib.
15. Resolution relative to the claims of John A. Lloyd, the heirs of John Lawson, deceased, Franklin Stratton, James P. White, and William Graham, and Jane Parsons.	844

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| 17. Resolution to authorize the Canal Commissioners to liquidate the damages sustained by Priscilla Cahill, and Samuel B. Young, by reason of the destruction of their property by fire from locomotives, on the Philadelphia and Columbia railroad. | 846 |
| 18. Resolution repealing the third section of the act entitled "A further supplement to the act entitled An act authorizing the Governor to incorporate the Bald Eagle and Spring creek navigation company, passed thirty-first day of March, eighteen hundred and thirty-six. | 847 |
| 19. Resolution relating to the procuring and opening of books for receiving subscriptions of the stock of the company for making a lock navigation on the Monongahela river, and for other purposes. | 848 |
| 20. Resolution relative to the rates of toll to be charged on that part of the Baltimore and Ohio railroad which passes through Pennsylvania. | 849 |
| 21. Resolution relative to the estate of Julian Weyland. | 850 |
| 22. Resolution relative to making Waynesboro' in the county of Franklin, a point in the contemplated railroad from Gettysburg to intersect the Baltimore and Ohio railroad, in the state of Maryland. | ib. |
| 23. Resolution authorizing the Canal Commissioners to purchase Locomotives, to cause surveys to be made to avoid the inclined plane at Columbia, and the inclined planes on the Portage railroad, and for other purposes. | 851 |
| 24. Resolution relative to the distribution of the Surplus Revenue of the United States. | 855 |

and required to pay to John Barnhiser of Franklin county, Gratiuity and Anthony Snider of Cumberland county, Henry Price of Cen- annuity to tre county, Godfried Dreher and Bernard Kepner of Scuy- J. Barnhiser kill county, Andrew Flatt and Philip Ende of Lycoming and others. county, soldiers of the revolutionary war, and Christina Leininger, widow of a soldier of the revolutionary war, or to their respective orders, forty dollars to each immediately, as a gratuity, and an annuity of forty dollars each, during life, payable half yearly, to commence from the first day of January, one thousand eight hundred and thirty-six.

SECTION 2. The State Treasurer is hereby authorized and required to pay to Samuel Henderson of Indiana county, a Gratiuity to S Henderson. gratuity of forty dollars, in full for his revolutionary services; the foregoing gratuities and pensions to be paid in conformity with existing laws.

SECTION 3. The State Treasurer is hereby required to pay to the widow of Nicholas Gooshorn, late of Juniata county, Gratiuity to widow of N. Gooshorn. deceased, or to her order, the gratuity of forty dollars which was granted to said deceased during last session.

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The twelfth day of January, A. D., one thousand eight hundred and thirty-six.

JOS: RITNER.

No. 5.

A Supplement

To the act entitled An act for the relief of sundry soldiers and widows of soldiers of the revolutionary war.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Barbara Keigley shall receive the gratuity and annuity given to her by the name of Barbara Reigley, Gratiuity and annuity to B. Keigley. by the act entitled, "An act for the relief of sundry soldiers and widows of soldiers of the revolutionary war," passed the

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| 17. Resolution to authorize the Canal Commissioners to liquidate the damages sustained by Priscilla Cahill, and Samuel B. Young, by reason of the destruction of their property by fire from locomotives, on the Philadelphia and Columbia railroad. | 846 |
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| 21. Resolution relative to the estate of Julian Weyland. | 850 |
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| 23. Resolution authorizing the Canal Commissioners to purchase Locomotives, to cause surveys to be made to avoid the inclined plane at Columbia, and the inclined planes on the Portage railroad, and for other purposes. | 851 |
| 24. Resolution relative to the distribution of the Surplus Revenue of the United States. | 853 |

and required to pay to John Barnhiser of Franklin county, Gratiuity and Anthony Snider of Cumberland county, Henry Price of Cen-annuity to re county, Goldfried Dreher and Bernard Kepner of Scuy- J. Barnhiser kill county, Andrew Flatt and Philip Ende of Lycoming and others. county, soldiers of the revolutionary war, and Christina Leininger, widow of a soldier of the revolutionary war, or to their respective orders, forty dollars to each immediately, as a gratuity, and an annuity of forty dollars each, during life, payable half yearly, to commence from the first day of January, one thousand eight hundred and thirty-six.

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SECTION 3. The State Treasurer is hereby required to pay to the widow of Nicholas Gooshorn, late of Juniata county, Gratiuity to widow of N. Gooshorn. deceased, or to her order, the gratuity of forty dollars which was granted to said deceased during last session.

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The twelfth day of January, A. D., one thousand eight hundred and thirty-six.

JOS: RITNER.

No. 5.

A Supplement

To the act entitled An act for the relief of sundry soldiers and widows of soldiers of the revolutionary war.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Barbara Keigley shall receive the gratuity and annuity given to her by the name of Barbara Reigley, Gratiuity and annuity to B. Keigley. by the act entitled, "An act for the relief of sundry soldiers and widows of soldiers of the revolutionary war," passed the

fifteenth day of April, one thousand eight hundred and thirty-five, and according to the provisions thereof.

NER MIDDLESWARTH,

Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,

Speaker of the Senate.

APPROVED—The twelfth day of January, A. D. one thousand eight hundred and thirty-six.

JOS: RITNER.



No. 6.

An Act

To authorize the trustees for the members composing the first New Jerusalem Church in the city of Philadelphia, to sell and convey real estate.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Maskell M. Carl, Jacob A. Tryon and Joseph Randall, and the survivors and survivor of them, trustees for the members composing the first New Jerusalem Church in the city of Philadelphia, be, and the same are hereby authorized and empowered to sell and convey, in fee simple, a certain lot of ground, situate on Bush-hill, in the county of Philadelphia, and particularly described in a certain indenture to the said trustees, dated the eighth day of July, Anno Domini, one thousand eight hundred and twenty-seven, and recorded in the office for recording deeds for the city and county of Philadelphia, in deed book G. W. R., Number twenty, page four hundred and three.

NER MIDDLESWARTH,

Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,

Speaker of the Senate.

APPROVED—The eighteenth day of January, Anno Domini, one thousand eight hundred and thirty-six.

JOS: RITNER.

No. 7.

An Act

To authorize a temporary loan for the use of the Commonwealth.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same.* That the Governor be, and he is hereby authorized, to negotiate a temporary loan, on the credit of the Commonwealth, not to exceed three hundred and fifty thousand dollars, at an interest not more than five per centum per annum, with any bank or banks, corporation, individual or individuals, as in his opinion may be most advantageous, and the sum or sums of money so borrowed, shall be vested in the commissioners of the internal improvement fund, and applied to discharge the interest on canal loans, falling due on the first of February next, and the money so borrowed, shall be repaid to the lender or lenders, at any time within twelve months from the passage of this act, out of any moneys in the treasury applicable to the payment of interest.

Temporary
loan of \$350,
000: To pay
interest.

NER MIDDLESWARTH,
Speaker of the House of Representatives.
THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The twenty-second day of January, Anno Domini, eighteen hundred and thirty-six.

JOS: RITNER.

No. 8.

A Supplement

To the act incorporating the borough of Womelsdorf in the county of Berks.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General*

Borough
assessors.

Heidelberg
township dis-
connected.

Assembly met, and it is hereby enacted by the authority of the same, That from and after the passage of this act, the qualified citizens of the borough of Womelsdorf, in the county of Berks, shall, on the same day that the several townships in the several counties in this Commonwealth hold their township elections, elect one assessor and two assistant assessors, and collect their borough and county taxes as all other incorporated boroughs in this commonwealth, and that the township of Heidleburg, shall hereafter be disconnected from the said borough, with all their township business of every description whatever.

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The twenty-third day of January, Anno Domini one thousand eight hundred and thirty-six.

JOS: RITNER.

No. 9.

A Supplement

To an act entitled An act to provide for the erection of a house for the employment and support of the poor, in the county of Schuylkill.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passage of this act, no justice of the peace in the county of Schuylkill, shall be entitled to any fee or reward for granting or making an order for the relief or removal of a pauper or paupers, and the names of paupers of one family, removed at the same time, shall be put in one and the same order.*

Justices to
issue orders
without fee
&c.

Constable's
pay for exe-
cuting an
order.

SECTION 2. That the constables of the county of Schuylkill shall be entitled to receive, for executing an order for

the relief or removal of a pauper, or paupers, twenty-five cents, and five cents per mile, circular, and no more.

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The twenty-fifth day of January, Anno Domini, eighteen hundred and thirty-six.

JOS: RITNER.



No. 10.

An Act

Authorizing the executors of the last will and testament of Amos Darlington deceased, to sell and convey certain real estate.

Whereas, by the last will and testament of Amos Darlington, late of the township of West Goshen, in the county of Chester, deceased, a portion of his real estate, including a ten acre out-lot of woodland, was devised to his wife Eliza-
beth during her natural life, and after her death, directed to be appraised, with privilege to his son Amos to take the same at the valuation, and in case of his refusal, then to be sold by his executors ; *And whereas*, it is represented to the legislature, that an exchange of the north-east corner of the said wood-lot, which is cut off from the remainder by a public road, with Townsend Eachus, for an equal quantity of wood land adjoining said out-lot, on the western side, would be mutually advantageous to the parties, and particularly to the heirs of the said Amos Darlington, deceased. Therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the said Elizabeth Darlington and Amos Darlington, excutors of the last will and testament of Amos Darlington, deceased, or survivor of them, be, and they are hereby authorized to make and execute a sufficient deed of conveyance to Townsend Eachus, for that portion of the ten acre out-lot of woodland, in the township of West Goshen, aforesaid, bounded and described as follows : Beginning in

Out lot of
woodland to
be appraised.

Exchange of
land with
T. Eachus.

Executors to
make deed,
&c.

Repeal of
part of the
act of April
6, 1830

SECTION 2. As soon after the first of February next as the said appointments shall be made, the duties and compensation of the present Commissioners shall wholly cease and determine; and so much of the act of April sixth, one thousand eight hundred and thirty, entitled "An act relative to the appointment of Canal Commissioners," as relates to the time of appointing said Commissioners, be and the same is hereby repealed.

American
locomotive
engines and
tenders may
be purchased
Proviso.

SECTION 3. That the Canal Commissioners appointed under this act, be and they are hereby authorized to contract for, and purchase as many locomotive engines and tenders, of American manufacture, as they may deem necessary for the accommodation of the trade on the Columbia and Philadelphia, and Allegheny Portage railways: *Provided*, That the whole number thus contracted for, shall not exceed eleven.

Persons not
eligible to
the office of
Canal Com-
missioner.

SECTION 4. No person shall be eligible to the appointment of Canal Commissioner, who is owner, or part owner of any boat or boats, car or cars, or who is directly or indirectly interested in any line of boats in the state canals, or cars on the state railroads, used for the transportation of passengers, merchandise, produce, or any other articles conveyed or transported on said canals or railroads, which are placed under the care, management and control of the said board of Canal Commissioners; or if any Canal Commissioner after his appointment, shall become the owner of any boat or car, or interested in the carrying trade on said canals and railroads, his appointment shall be thereby vacated, and his place immediately supplied by the Governor.

NER MIDDLESWARTH,

Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,

Speaker of the Senate.

APPROVED—The twenty-eighth day of January, Anno Domini one thousand eight hundred and thirty-six.

JOS: RITNER.

No. 13.

An Act

For the relief of Lewis Wright and others, soldiers of the revolutionary war.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the State Treasurer is hereby authorized and required to pay to Lewis Wright of Greene county, James Cook of Chester county, Samuel Clark of Berks county, James Stephenson of Juniata county, soldiers of the revolutionary war, or to their respective orders, forty dollars to each immediately, and an annuity of forty dollars to each, during life, payable half yearly, to commence on the first day of January, one thousand eight hundred and thirty-six. Gratuities & annuities to L. Wright, Jas. Cook, Sam'l. Clark, and J. Stephenson.

SECTION 2. The State Treasurer be, and he is hereby authorized and required to pay to William M'Dowell of York county, and Thomas Deeds of Montgomery county, a gratuity of forty dollars to each immediately, in full for their revolutionary services; the foregoing pensions and gratuities to be paid in conformity to the existing laws. Gratuities to William M'Dowell and Thomas Deeds.

NER MIDDLESWARTH,
Speaker of the House of Representatives:
THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The twenty-eighth day of January, in the year of our Lord, one thousand eight hundred and thirty-six.

JOS: RITNER.

No. 14.

A Further Supplement

To the act entitled "An act enabling the Governor to incorporate a company for making an artificial road from the state line, near the town of Emmittsburg in the state of Maryland, through Waynesburg, Green Castle and Mercersburg, to intersect the Chambersburg and Bedford turnpike road, at or near the east end of M'Connellsburg," passed on the twenty-ninth day of January, eighteen hundred and sixteen.

Time of
completion;
extended five
years.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That so much of the twenty-first section of the above recited act, as relates to the completion of said road, be, and the same is hereby extended, and the further time of five years, from the twenty-ninth day of January, eighteen hundred and thirty-six, shall be allowed to said company for finishing the same, according to the true intent and meaning but subject to the penalties and restrictions in all other respects, of the act to which this is a supplement.

NER MIDDLESWARTH,

Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,

Speaker of the Senate.

APPROVED—The twenty-eighth day of January, A. D., of thousand eight hundred and thirty-six.

JOS: RITNER.



No. 15.

An Act

Relative to certain parts of the estate of Elizabeth Powel, deceased.

Preamble.

Whereas, Elizabeth Powel, formerly of the city of Philadelphia, deceased, did, by her last will and testament, bearing date the day of January, A. D. eighteen hundred and thirty, devise to certain trustees therein named, a cert

money shall be made payable to the surviving trustees or trustee appointed by the said will, or to their legal or duly appointed successors or successor in the trust, by whom the release of the said rent shall alone be executed, and when paid, shall be by him or them invested, under the authority of the Orphan's Court of the county of Philadelphia, in debt of the United States, or of this state, or of the city of Philadelphia, or in real securities in his or their name or names, in trust both as to principal and interest for the same persons estates, uses and trusts, declared in the said will, of and concerning the said estates, and the rents, issues and profits thereof respectively; but no person paying the said redemption money shall be bound to see to the investment or application thereof.

Grants and conveyances may be made without the joinder of the trustees.

SECTION 2. The said grants and conveyances shall, and may be made by the person or persons having, and to have such estate or use for life, as aforesaid, without the joinder of the said trustees, and that the rents reserved, and moneys made payable thereby, shall be receivable and recoverable from time to time, in the same name or names, in like manner, and with the same effect as if the said trustees were parties thereto.

NER MIDDLESWARTH,

Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,

Speaker of the Senate.

APPROVED—The second day of February, Anno Domini one thousand eight hundred and thirty-six.

JOS: RITNER.



No. 16.

A Further Supplement

To the "Act to incorporate the Cumberland Valley railroad company."

To build a bridge and connect the railroad with Penn. canal.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the Cumberland Valley railroad company be, and it is hereby authorized and empowered to build a bridge over the Susquehanna river, at the eastern termination of their railroad, as designated by the act of second of April,

one thousand eight hundred and thirty-one, incorporating said company, and to make so much of a railroad on the east side of said river, as may be necessary to connect the Cumberland Valley railroad with the Pennsylvania canal, and with the Harrisburg, Portsmouth, Mountjoy and Lancaster railroad, the manner in which said connection is to be formed with the Pennsylvania canal, to be in accordance with the directions of the Canal Commissioners; and when said bridge is completed, said company shall have the power and right to demand and receive the same tolls for travel and transportation thereon, as are now allowed by law to the Columbia bridge company; *Provided*, That no traveling shall be allowed on said bridge, except in the cars running on said railroad, for the term of five years from the passage of this act, unless in the meantime, the present Harrisburg bridge should become impassable or unsafe. Bridge tolls. Traveling restricted to cars for five years.

SECTION 2. As soon as any portion of said railroad is perfected, the company shall have power to place thereon cars, carriages or wagons, constructed as they may be best adapted for the transportation of passengers and commodities, to the advantage of the public, and the said company is hereby authorized to charge and take toll for freight and transportation of passengers, goods, wares, merchandise and commodities, at rates as follows, to wit: On all goods, produce, merchandise, property and commodities, transported upon the said railroad and its branches, any sum not exceeding four cents per mile per ton for toll, and three cents per ton per mile for transportation, and for the transportation of passengers, not exceeding three cents per mile for each passenger; and the legislature reserves the right to reduce and regulate the tolls hereby authorized. The proviso to the tenth section of the act to which this is a supplement, is hereby repealed. Rate of toll for the railroad. Right to reduce the toll reserved.

SECTION 3. The said company is hereby authorized and empowered to increase the stock of the company, to any amount not exceeding in the whole eight hundred thousand dollars, and if necessary, to borrow on such terms as the president and managers thereof may deem advisable, any sum not exceeding four hundred thousand dollars, for the purpose of constructing said road, and of placing thereon the necessary cars and moving powers, and the said president and managers are authorized and empowered to pledge the tolls and other property of the company, for the security and redemption of the principle and interest of the loan hereby authorized: *Provided always*, That the said company shall first offer any additional amount of stock deemed necessary, before it shall be so authorized and empowered to borrow money as aforesaid. Stock may be increased to \$800,000. Tolls and other property may be pledged for certain purposes. Proviso.

SECTION 4. That the president and managers of the said company be, and are hereby authorized and empowered to

Relating to
transfer of
stock.

Proviso.

appoint one or more persons, resident at such place or places as they shall deem convenient and necessary, and vest such power in the persons thus appointed, to keep a book or books for the transfer of the capital stock of the said company, and to receive such transfers of stock as are now allowed to be made in the presence of the president or treasurer; *Provided however*, That the books, papers and other documents, which shall come at any time into the hands or possession of such person or persons thus appointed, shall always be subject to the control and direction of the president and managers, and be deliverable to them, or the successors of such person or persons so appointed, whenever demanded.

Joint powers
with others
to secure
trade and
travel be-
tween Cham-
bersburg and
Philadelphia

Section 5. The president and managers of the said company, the president and directors of the Harrisburg, Portsmouth, Mountjoy and Lancaster railroad company, and the board of Canal Commissioners, be, and they are hereby authorized and empowered, upon the completion of the said Cumberland Valley railroad, and Harrisburg, Portsmouth, Mountjoy and Lancaster railroad, to make such arrangements and regulations, on behalf of the state of Pennsylvania and their respective companies, as will establish and secure an uninterrupted communication of trade and travel between Chambersburg and the city of Philadelphia.

NER MIDDLESWARTH,

Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,

Speaker of the Senate.

APPROVED—The second day of February, Anno Domini, one thousand eight hundred and thirty-six.

JOS: RITNER



No. 17.

An Act

For the relief of William Bladen.

SECTION. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That all the right, title, interest, claim, and

demanded of this commonwealth, of, in and to the real estate, situated in Mill Creek township, Erie county, of Jacob Bladen, common-wealth to the illegitimate son of Boo Bladen, late of said township and county, deceased, who died intestate, and without heirs, be, real estate and the same is hereby vested in William Bladen, his heirs, vested in W. Bladen and assigns, forever: *Provided*, That nothing herein contained shall in anywise prejudice the rights of individuals, or impair any other title to the said estate, than that *Proviso*. which the commonwealth has, or may have acquired by escheat.

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The second day of February, Anno Domini,
one thousand eight hundred and thirty-six.

JOS: RITNER.

No. 18.

A Supplement

To "An act authorizing a review of the State road from the town of Indiana, in Indiana county, to Pittsburg;" passed the twenty-fifth day of March, one thousand eight hundred and fourteen.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That Robert McKissen, William Watson and John Lafferty, be, and are hereby appointed commissioners to view, and if they, or a majority of them, think proper, *Commissioners appointed* to alter that part of the state road from the town of Indiana, in Indiana county, to Pittsburg, which passes through the town of Warren, in Armstrong county, beginning at the Kiskiminetas river, opposite the mouth of North street, thence running up said street until an intersection with said road will occur, being not now more than one-fourth of a mile in extent.

SECTION 2. It shall be the duty of the said commissioners, *Duty of commissioners, to* or a majority of them, appointed to view as aforesaid, after *be performed* having been sworn or affirmed before some justice of the under oath.

peace, who shall file and preserve the same in his office, to perform the duties enjoined on them by this act, with impartiality and fidelity, carefully to view the ground over which the said road, by them laid out, may pass, and lay out the same as near to a straight line between the aforesaid points as the nature of the ground and circumstances will permit, so that the vertical departure from a horizontal line shall in no point exceed three degrees; and further, it shall be the duty of the said commissioners to have clearly and distinctly marked upon the ground the route agreed upon, in such a manner as to enable the supervisors readily to find the same; and for the purpose of fulfilling the duties by act enjoined, the commissioners herein mentioned, shall receive a per diem allowance of one dollar and fifty cents each, for every day they shall be necessarily employed in performing the duties of this act, and in case any of the said commissioners shall perform the duties of surveyor, he shall receive fifty cents per day in addition; and the said commissioners are hereby authorized to employ one surveyor, at one dollar and fifty cents per diem, two chain bearers and one axeman, at a per diem allowance not exceeding seventy-five cents.

Route to be marked.

Pay of commissioners, surveyors, &c.

Draft of road.

SECTION 3. It shall be the duty of the said commissioners to make out a fair and accurate draft of the location of said road, noting thereon the courses and distances as they occur, with such other matters as may serve for explanation, one copy whereof shall be deposited in the office of the Secretary of the Commonwealth, on or before the first day of September next, and one copy in the office of the clerk of the court of Quarter Sessions of the county of Armstrong, on the day aforesaid, or as much sooner as practicable, which shall be a record thereof, and from thenceforth the said road shall be, to all intents and purposes, a public highway, and shall be opened and repaired in all respects as roads are opened and repaired which are laid out by orders of the courts aforesaid.

SECTION 4. The accounts of the commissioners for their own pay, and for the pay of surveyors, chain carriers and markers, shall be adjusted by the commissioners of the county of Armstrong, through which the said road shall pass, and paid by the treasurer thereof, on warrant drawn by the commissioners of the county aforesaid.

Location of road to be completed soon.

Vacancies, how filled.

SECTION 5. The said commissioners shall meet on or before the first Monday of May next, or so soon thereafter as practicable, at the town of Warren, Kiskiminetas township, Armstrong county, and complete the location of said road as soon as practicable; and if any vacancy or vacancies shall happen by resignation, or any other cause, the court of Quarter Sessions of the proper county, are hereby authorized to fill the vacancy or vacancies, by a suitable appointment.

SECTION 6. So much of the act to which this is a supplement, altered or supplied by this act, is hereby repealed.

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The second day of February, Anno Domini, one thousand eight hundred and thirty-six.

JOS : RITNER.



No. 19.

An Act

For the relief of Adam Schneider and others, soldiers and widows of soldiers of the revolutionary war.

WHEREAS, at the last session of the legislature, several bills for the relief of the soldiers and widows of soldiers of the revolutionary war, included in the following bill, were reported in the Senate and in the House of Representatives, which, in the progress of said bills through the different branches of the legislature, were attached together, and after having passed both the Senate and House of Representatives, with the exception of the concurrence of the House in an amendment made by the Senate, the said bill was, on the day previous to the final adjournment, laid on the table of the House, and inadvertently forgotten. Therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the State Treasurer is hereby authorized and required to pay to Adam Schneider, Christian Sterner, And'w Banks and Valentine Kuder of Schuylkill county, Albright Houser and Mary Dewees of Montgomery county, John Peck and Valentine Gruber of Bedford, John Miller of Lehigh county, Peter Shafer of Lancaster county, Thomas Hall of Beaver county, Jesse Fulton of Armstrong county, Nathaniel Quellon and John Murphy of Allegheny county, Frederick Bensinger, Jacob Bacher and Martin Wagner of Schuylkill county, John Kruson and Peter Huber of Philadelphia

Preamble.
Gratuities of 80 dollars each and annuities of 40 dollars each. to Adam Schneider & others.

Repeal of
part of the
act of April
6, 1830

SECTION 2. As soon after the first of February next as the said appointments shall be made, the duties and compensation of the present Commissioners shall wholly cease and determine; and so much of the act of April sixth, one thousand eight hundred and thirty, entitled "An act relative to the appointment of Canal Commissioners," as relates to the time of appointing said Commissioners, be and the same is hereby repealed.

American
locomotive
engines and
tenders may
be purchased
Proviso.

SECTION 3. That the Canal Commissioners appointed under this act, be and they are hereby authorized to contract for, and purchase as many locomotive engines and tenders, of American manufacture, as they may deem necessary for the accommodation of the trade on the Columbia and Philadelphia, and Allegheny Portage railways: *Provided*, That the whole number thus contracted for, shall not exceed eleven.

Persons not
eligible to
the office of
Canal Com-
missioner.

SECTION 4. No person shall be eligible to the appointment of Canal Commissioner, who is owner, or part owner of any boat or boats, car or cars, or who is directly or indirectly interested in any line of boats in the state canals, or cars on the state railroads, used for the transportation of passengers, merchandise, produce, or any other articles conveyed or transported on said canals or railroads, which are placed under the care, management and control of the said board of Canal Commissioners; or if any Canal Commissioner after his appointment, shall become the owner of any boat or car, or interested in the carrying trade on said canals and railroads, his appointment shall be thereby vacated, and his place immediately supplied by the Governor.

NER MIDDLESWARTH,

Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,

Speaker of the Senate.

APPROVED—The twenty-eighth day of January, Anno Domini one thousand eight hundred and thirty-six.

JOS: RITNER.

No. 13.

An Act

For the relief of Lewis Wright and others, soldiers of the revolutionary war.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the State Treasurer is hereby authorized and required to pay to Lewis Wright of Greene county, James Cook of Chester county, Samuel Clark of Berks county, James Stephenson of Juniata county, soldiers of the revolutionary war, or to their respective orders, forty dollars to each immediately, and an annuity of forty dollars to each, during life, payable half yearly, to commence on the first day of January, one thousand eight hundred and thirty-six.

Gratuities & annuities to L. Wright, Jas. Cook, Sam'l. Clark, and J. Stephenson.

SECTION 2. The State Treasurer be, and he is hereby authorized and required to pay to William M'Dowell of York county, and Thomas Deeds of Montgomery county, a gratuity of forty dollars to each immediately, in full for their revolutionary services; the foregoing pensions and gratuities to be paid in conformity to the existing laws.

Gratuities to William M'Dowell and Thomas Deeds.

NER MIDDLESWARTH,
Speaker of the House of Representatives:
THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The twenty-eighth day of January, in the year of our Lord, one thousand eight hundred and thirty-six.

JOS: RITNER.

respective orders, forty dollars each, immediately, as a gratuity, and an annuity of forty dollars to each during life, payable half yearly, to commence on the first day of January, one thousand eight hundred and thirty-six; the foregoing gratuities and annuities to be paid in conformity with the existing laws.

NER MIDDLESWARTH,
Speaker of the House of Representatives.
THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The twelfth day of February, A. D., one thousand eight hundred and thirty-six.

JOS : RITNER.

—●●●—
No. 22.

An Act

To repeal the state tax on real and personal property, and to continue and extend the improvements of the state by railroads and canals, and to charter a state bank, to be called the United States Bank.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That all and every provision of the Acts of Assembly, passed the twenty-fifth day of March, in the year one thousand eight hundred and thirty-one, respectively entitled “An act assessing a tax on personal property, to be collected with the county rates and levies, for the use of the commonwealth, and an act to increase the county rates and levies for the use of the commonwealth, be, and the same are hereby repealed, except so far as relates to the collection of taxes assessed before the first day of October last; *Provided,* That the said repeal shall not go into effect, until all the terms and provisions hereinafter set forth shall be fully complied with.

State tax repealed.

SECTION 2. The present stockholders of the bank of the United States, excepting the United States, and the Treasurer of the United States, and such other persons as may become stockholders, agreeably to the by-laws made for that purpose to an amount not exceeding in the whole the pres

ent capital of the said bank, their successors and assigns be, and are hereby created a corporation and body politic, by the name and style of "the President, Directors and Company of the bank of the United States," and shall so continue until the third day of March, in the year one thousand eight hundred and sixty-six, and by that name shall be, and are hereby made capable in law, to have, purchase and receive, possess, enjoy and retain, to them and their successors, lands, rents, tenements, hereditaments, goods, chattels and effects, of whatsoever kind, nature and quality, and the same to sell, grant, demise, alien or dispose of, to sue and be sued, to use a common seal, and the same to alter and renew, and to make such by-laws and ordinances, as they shall deem necessary, not being contrary to this act, the constitution of the United States or to the constitution and laws of this commonwealth; and also to prescribe rules for the transfer of the stock of said corporation, and generally, to do all the acts which to them it shall or may appertain to do, and to enjoy the same privileges and authority given by law to any bank within this commonwealth, subject to the rules and restrictions hereinafter prescribed.

SECTION 3. For the management of the affairs of the said corporation, there shall be annually elected, at the banking house in the city of Philadelphia, on the first Monday in January in each year, by a plurality of votes, which shall be given by the qualified stockholders of the said bank, in person or by proxy, twenty directors, who shall be capable of serving for one year, and who shall, at the first meeting after their election in each year, proceed to elect one of their directors to be the president of the corporation, who shall hold the said office during the same period for which the directors are elected; but if an election of directors or of the president should not be made on that day, the said corporation shall not for that cause be dissolved, but it shall be lawful at any other time to hold such elections, and until such elections be made, the directors and president for the time being, shall continue in office, and in case of the death or resignation of the president, the directors shall elect another president from their own number, and in case of the death or resignation of a director, the vacancy may be supplied by the remaining directors.

SECTION 4. The following shall be the fundamental articles of the said corporation, to wit:

Article I. None but a stockholder, who is a citizen of the United States, shall be a director, or vote at an election for directors, either in person or by proxy, and all proxies shall be dated within sixty days before the day of each election. The number of votes to which each stockholder shall be entitled in voting for directors, shall be as follows: For one

Number of
shares to
govern the
number of
votes.

share and not more than two shares, one vote; for every two shares above two, and not exceeding ten shares, one vote; for every four shares above ten, and not exceeding thirty, one vote; for every six shares above thirty, and not exceeding sixty, one vote; for every eight shares above sixty, and not exceeding one hundred, one vote; but no person, co-partnership, or body politic, shall be entitled to a greater number than thirty votes, and after the first election, no share or shares shall confer a right of voting, unless the same shall have been held three calender months before the day of election.

Rotation of
directors.

President
may be re e-
lected.

Judges of the
election.

Seven direct-
ors to consti-
tute a board

General
meetings of
the stock-
holders, how
called and
when to be
holden.

Article II. Not more than three-fourths of the directors who shall be in office at the time of an annual election, shall be elected for the succeeding year, and no director shall hold his office for more than three years out of four in succession, but the director who shall be the president, may always be re-elected; and previous to each election of directors, the board of directors shall appoint three stockholders, not directors, to be judges of the election, who shall conduct and regulate the same, after having severally taken and subscribed an oath or affirmation, before some justice of the peace or alderman, well and faithfully, and lawfully to conduct the election, and who, after the conclusion of the ballot, shall decide and openly declare who are chosen directors for the ensuing year. No director of any other bank shall be, at the same time, a director of this bank, nor shall the Governor, or any executive or judicial officer of this commonwealth, or member of Congress or of the state legislature, be a director.

Article III. Not less than seven directors shall constitute a board for the transaction of business, of whom the president shall always be one, except in the case of sickness or necessary absence, in which case his place may be supplied by any other director whom he, by writing, under his hand, shall depute for that purpose, and in case the president shall not so depute, the board of directors may elect a director to act during the absence of the president.

Article IV. A general meeting of the stockholders, for purposes relative to the institution, may at any time be called, either by the board of directors or by sixty or more stockholders, owning one thousand or more shares of the capital stock, on giving at least six weeks notice, in two public newspapers published in the city of Philadelphia, and specifying in such notice the object or objects of such meeting. And there shall be a general meeting of the stockholders, at the banking house, in the city of Philadelphia, on the first Monday of January in every year, at which time the directors shall lay before them a general and particular statement of the affairs of the company.

Article V. The lands, tenements and hereditaments which it shall be lawful for said corporation to hold, shall be only such as shall be requisite for its immediate accommodation in transacting its business, and such as shall have been bona fide mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgments, which shall have been obtained for such debts, or purchased for the purpose of securing such debts. The said corporation shall not, directly or indirectly, deal or trade in any thing except bills of exchange, gold and silver bullion, or in the sale of goods really and truly pledged, for money lent and not redeemed in due time, or goods which shall be the proceeds of its lands, neither shall it make any loan to any foreign prince or state, unless previously authorized by law.

To hold only such lands, tenements, &c.
What corporation may deal or trade in.
Shall not loan to foreign prince or state unless authorized by law.

The said corporation shall not be at liberty to purchase any stock whatever, except their own stock, treasury notes, or public stocks created by the government of the United States or of this state, or stock of, or loans to any of the incorporated companies of this state, for the construction and improvement of roads, bridges, canal or inland navigation, or other stocks which may be bona fide pledged as security for debts to the bank, and not duly redeemed.

What stock corporation may purchase.

Article VI. The rate of discount at which loans may be made by said bank within this commonwealth, shall not exceed one half of one per centum for thirty days. And the notes and bills which shall be issued by order of said corporation, or under its authority, shall be binding upon it, and those made payable to order shall be assignable by endorsement, but none shall be issued of a denomination less than ten dollars; and if the bank shall neglect or refuse to pay its notes, or bills, or moneys deposited, when due, on demand made at the bank during banking hours, the person or persons entitled to the same shall receive interest thereon at the rate of twelve per cent. a year, until payment be made; and the notes of the corporation in circulation, shall never exceed the capital actually paid in. The total amount of debts which the said corporation may at any time owe, whether by bond, note or other contract, excepting the amount of money due to depositors, shall not at any time exceed double the amount of capital stock actually paid in, and in case of excess, the directors under whose administration it shall happen, shall be liable in their individual capacities, and an action of debt may in such case be brought against them, or any of them, or any of their heirs, executors, or administrators, in any court having competent jurisdiction, by any creditor or creditors of such corporation, and may be prosecuted to judgment and execution, any condition, covenant, or agreement to the contrary notwithstanding, but this shall not be construed to

Rate of discount.
Notes & bills assignable by endorsement
No notes or bills less than 10 dollars to be issued
Penalty on refusal to pay notes or bills.
Debts of corporation at any time shall not exceed double amount of capital stock.
Liability of directors.
Liability of corporation.

Absent and
dissenting
directors not
liable.

exempt the said corporation, or the lands, tenements, goods and chattels of the same, from being also liable for, and chargeable with the said excess. Such of the said directors as may have been absent when the said excess was contracted or created, shall not be considered as consenting thereto or liable therefor; and those who may have dissented from the resolution or act whereby the same was so contracted or created, and who shall enter their dissent upon the minutes of the board, may exonerate themselves from being so liable, by forthwith giving notice of the fact to the stockholders at a general meeting, which they shall have power to call for that purpose.

Bank refusing to pay
notes, &c.
shall be lawful for holder
to make proof
thereof, and
if substantiated Governor
to declare
charter forfeit.

Article VII. If the said bank should at any time refuse to pay any of its notes, bills, obligations, or deposited monies, in gold or silver, then at, or after the expiration of three months from the time of refusal of said bank to pay as aforesaid, it shall and may be lawful for the holder or proprietor of the same, to make application in writing to any judge of any court in the proper county, to allow him or her to make proof of said refusal on oath or affirmation, by one or more disinterested witness or witnesses, before said judge, whose duty it shall be to give at least ten days notice to the president or cashier of said bank, of the time and place of making such proof, in order that an opportunity may be afforded for rebutting the same by testimony, and if the facts be substantiated, it shall be the duty of the said judge to reduce the same to writing, and to transmit the same to the Governor; and it shall be the duty of the Governor, immediately on the receipt of the written proof above specified, to issue his proclamation, declaring the charter of the said bank to be forfeited; and from and after the tenth day after the date of the said proclamation, the charter of the said bank shall be absolutely null and void, and of no effect whatsoever, except that the said bank shall be liable in its corporate capacity, for the fulfilment of all contracts previously made and entered into by it, and the stockholders thereof, shall have power to elect directors as usual, and be capable of compelling the fulfilment of any contract entered into with said bank, previously to the date of the said forfeiture.

Dividends to
be declared
in January
and July.

In no case to
exceed the
amount of
nett profits.

Article VIII. Dividends of so much of the profits as the directors may deem advisable, shall be declared twice a year, on the first Mondays of January and July in each year, and paid to the stockholders on demand, at any time after the expiration of ten days therefrom, but such dividends shall in no case exceed the amount of the nett profits actually acquired by the bank, so that the capital stock of the said bank shall never thereby be impaired; if the directors of the bank shall make any dividend which shall impair the capital stock of said bank, the directors consenting thereto, shall be liable

in their individual capacities to such corporation, for the amount of the stock so divided, and each director present when such dividend shall be made, shall be adjudged to be consenting thereto, unless he forthwith enter his protest on the minutes of the board, and give public notice to the stockholders of the declaring of such dividend. Directors liable in their individual capacities.

Article IX. The salary of the president shall be established and allowed by the stockholders at a general meeting, and no compensation shall be allowed to any person for his services as a director. The board of directors shall appoint a cashier and such other officers, clerks and persons as shall be necessary for transacting the business of the bank, and shall take from each, such security as the by-laws shall prescribe, and shall make to each a just compensation for his services. Salary of the president.
Compensation to the cashier and others.

Article X. The said bank shall make to the Auditor General, monthly returns of its condition, showing the details of its operations, according to the form of the returns the bank of the United States now makes to the Secretary of the Treasury of the United States, or according to such form as may be established by law. Monthly returns to be made to Auditor General.

SECTION 5. It shall at all times be lawful for a committee of the legislature, appointed for that purpose, to inspect the books and to examine into the proceedings of the corporation hereby created, and to report whether the provisions of this charter have been by the same abused or violated, or not, and if the officers of said corporation should refuse to be sworn or affirmed, or give evidence, or to produce all such of their books or papers as may be demanded before any such committee, then the legislature may by law, declare the said charter void, and repeal the same; and whenever any committee as aforesaid shall find and report, or the Governor shall have reason to believe that the charter has been violated, it may be lawful for the legislature to direct, or the Governor to order a scieri facias to be issued out of the Supreme Court of Pennsylvania, in the name of the commonwealth of Pennsylvania, which shall be executed on the president of the corporation, for the time being, at least ten days before the commencement of the term of said court, calling on said corporation to show cause wherefore the charter hereby granted shall not be declared forfeited; and it shall be lawful for said court, upon the return of said scieri facias, to examine into the truth of the alleged violation, and if such violation be made to appear, then to pronounce or adjudge that such charter is forfeited and annulled: *Provided however,* every issue of fact which may be joined between the commonwealth or the corporation, such issue shall be tried by jury, and on the trial thereof, the commonwealth shall have the right to change the venue from the county of Philadelphia, to any adjoining county; and it shall be lawful for the court aforesaid, Legislative committee may at all times inspect books, &c.
On refusal of officers to be sworn or affirmed, to give evidence or produce books, &c.
Legislature may by law declare charter void, &c.
Provided

to require the production of such of the books or papers of the corporation as it may deem necessary for the ascertainment of the controverted facts, and the final judgment of said court shall be subject to all the usages of law in other cases.

Considera-
tion to be
paid for the
privileges
granted by
this act.

1st. Proviso.

2nd Proviso.

Considera-
tion to be
paid for the
privileges,
&c.

Considera-
tion to be
paid for the
privileges,
&c.

SECTION 6. In consideration of the privileges granted by this act, and in lieu of all taxes on dividends, the said corporation shall pay into the treasury of the commonwealth the sum of two millions of dollars, at such time, and in such instalments as the Governor may require: *Provided*, That at least thirty days notice shall be given by the Governor of the time when each instalment will be required. *And provided also*, That for all sums the Governor shall not so require to be paid within three months after the acceptance of this charter by the stockholders, interest at the rate of five per cent. a year shall be paid by the corporation, commencing at the expiration of the said three months, and terminating thirty days before the time fixed for the payment of each sum, and the said corporation shall also, whenever required by law, advance on permanent loan, any sum or sums not exceeding in the whole six millions of dollars, and for each sum of money so loaned, shall receive from the commonwealth a negotiable certificate of stock, reimbursable on the third day of March, one thousand eight hundred and sixty-eight, transferrable at the bank of Pennsylvania, or such other place as the legislature may hereafter designate, bearing an interest of either four or five per cent. per annum, payable half yearly, at the bank of Pennsylvania, or such other place as the legislature may hereafter designate, as the law requiring such loan may determine; and in case the interest shall be five per cent. shall pay to the commonwealth one hundred and ten dollars in money for each hundred dollars of stock, or if the interest be four per cent. shall pay one hundred dollars in money for each hundred dollars of stock, and the said corporation shall be bound, whenever required by law, to advance to the commonwealth as a temporary loan, any sum of money not exceeding one million of dollars in any one year, at an interest of four per cent. a year, reimbursable at the pleasure of the commonwealth, within twelve months from the date of the loan and the said corporation shall further pay the treasurer, for the use of the commonwealth, the sum of five hundred thousand dollars on the third day of March, anno domini, one thousand eight hundred and thirty-seven, and shall pay the further sum of one hundred thousand dollars on the first day of June next, and the like sums of one hundred thousand dollars, on each succeeding first Monday of June, for nineteen years thereafter, to be added to and paid over with the annual appropriation provided by the commonwealth for common school purposes, and be distributed according to the several laws of this commonwealth regulating the distribu-

tion of such appropriations; and the said corporation shall further be bound, to subscribe the following sums to the capital stock of the following named companies, if requested so to do by the directors of the said companies, or either of them, within one year from the passage of this act, namely: to the capital stock of the Baltimore and Ohio railroad company, the sum of two hundred thousand dollars. To that of the Williamsport and Elmira railroad company, the sum of two hundred thousand dollars. To the Monongahela navigation company, fifty thousand dollars, if the same be incorporated at the opening of the books of subscription for the capital stock thereof, and the further sum of fifty thousand dollars, as soon as one hundred thousand dollars subscribed by other persons or bodies corporate, shall have been bona fide expended in the construction of the said work. To the Cumberland Valley railroad company, one hundred thousand dollars. To the Warren and Pine Grove railroad company, twenty thousand dollars. To the Warren and Franklin turnpike road company, fifteen thousand dollars, if the said companies be incorporated this session of the legislature. To the Warren and Ridgeway turnpike road company, five thousand dollars. To the Johnstown and Ligonier turnpike road company, ten thousand dollars. To the Snow Shoe and Packerville turnpike company, twenty thousand dollars. To the Roseburg and Mercer turnpike company, five thousand dollars, all of which subscriptions, shall place the said bank on the same footing as to the rights and liabilities, with the original subscribers to said companies respectively, *Provided*, Proviso relative to the Baltimore & Ohio railroad company. That such subscription shall not be made to the stock of the Baltimore and Ohio railroad company, until a law of Maryland shall be passed and assented to by said company, enabling the commonwealth of Pennsylvania, and any company or companies duly authorized by the said commonwealth, to intersect by railroad and unite with the Baltimore and Ohio railroad, at any point in the state of Maryland, and that the whole amount so to be subscribed by the said bank, shall be appropriated exclusively to the construction of the railroad from Cumberland to Pittsburg, and that no payment shall be called for by the directors of the Baltimore and Ohio railroad company, on account of said subscription, until at least twenty miles of the railroad within the state of Pennsylvania, shall have been bona fide placed under contract, and the construction thereof actually begun.

SECTION 7. Six hundred thousand dollars of the amount to \$600,000 to be paid into the treasury as aforesaid, shall be appropriated, pay interest, in lieu of the receipts from the state taxes, hereby repealed, &c. to pay the interest on the public debt, and other just demands upon the commonwealth.

Appropriations to divers turnpike road companies.

SECTION 8. For the purpose of enabling the several turnpike companies hereinafter mentioned, to improve the condition of said roads, the following sums are specifically appropriated, to be paid to the said companies respectively, for the aforesaid mentioned purposes, which said sums shall be distributed in the following manner:—To the Chambersburg and Bedford turnpike road company, the sum of twenty thousand dollars. To the Somerset and Bedford turnpike road company, twenty thousand dollars. To the Somerset and Mount Pleasant turnpike road company, twenty thousand dollars. To the Robbstown and Mount Pleasant turnpike road company eight thousand dollars. To the Washington and Williamsport turnpike road company, eight thousand dollars. To the Mount Pleasant and Pittsburg turnpike road company, five thousand dollars. To the Washington and Pittsburg turnpike road company, fifteen thousand dollars. To the Bedford and Stoystown turnpike road company, ten thousand dollars. To the Stoystown and Greensburg turnpike road company, twelve thousand dollars. To the Greensburg and Pittsburg turnpike road company, twelve thousand dollars. To the state road from the White Horse tavern on the top of the Allegheny mountain, to the Virginia state line in Greene county, nine thousand dollars, one third to be expended by the commissioners of Somerset county, one third by the commissioners of Fayette county, and one third by the commissioners of Greene county.

\$150,000 appropriated to the North Branch canal.

\$200,000 appropriated to the extension of the canal to Erie.

1st. Proviso.

Survey and location of railroad from Gettysburg, &c.

SECTION 9. It shall be the duty of the Canal Commissioners to put under contract, not less than twenty miles nor more than forty miles of the North Branch division of the Pennsylvania canal, during the ensuing year, commencing at or near the New York state line, towards which the sum of one hundred and fifty thousand dollars is hereby specifically appropriated. And the said Canal Commissioners are hereby further directed to put under contract, not less than thirty-six nor more than sixty miles of the Pennsylvania canal, extending the same, by canal or slack water, towards the harbor of Erie, from such point or points as will best advance the interests of the state, having due regard to distance, lockage, cost and commercial interests; *Provided*, That no part of said distance is on the Ohio or Allegheny rivers; towards the completion of which, the sum of two hundred thousand dollars is hereby specifically appropriated. And the said Canal Commissioners are hereby further authorized and required, without delay, to survey and locate the most advantageous line for a railroad, from the borough of Gettysburg, to cross the route of the Baltimore and Ohio railroad, and connect with the Chesapeake and Ohio canal, at some point in the state of Maryland at or west of Williamsport, and to put under contract, not less than twenty nor more than thirty miles

thereof, towards which the sum of two hundred thousand dollars is hereby specifically appropriated, *Provided*, That no such contract shall be entered into, unless the Baltimore and Ohio railroad company shall have consented to a satisfactory connexion of their road with that hereby authorized, and the said Canal Commissioners are hereby required to cause to be surveyed by a competent engineer, the route of a canal and slackwater navigation, from the head of the west branch division to the Allegheny river, and if, in his opinion, a sufficient supply of water cannot be obtained for that purpose, then he shall ascertain the most eligible route for a railroad between the said points, or of a communication partly by canal and partly by railroad, as he may deem most advisable. The said surveys to terminate opposite the town of Franklin, Venango county, of which surveys, accurate and full reports and estimates shall be made to the said Commissioners, and by them laid before the legislature at its next session, and for the expenses of which, the sum of nine thousand and five hundred dollars is hereby specifically appropriated. And the said Canal Commissioners shall also cause to be made by a competent engineer, a survey, estimate, and report to the next legislature, the practicability and importance of constructing a railroad from the town of Lewisburg in Union county, to or near Water street in Huntingdon county, for which, two thousand dollars is hereby specifically appropriated; and the said Canal Commissioners shall also cause to be made by a competent engineer, a survey, estimate, and report upon the practicability and importance of connecting by railroad the Pennsylvania canal at or near Freeport, by way of Butler, with the Pennsylvania canal, at or near Newcastle, for which the sum of five hundred dollars is hereby specifically appropriated.

\$200,000 appropriated.
2nd. Provision

Surveys to be made from the West Branch division, to Allegheny river.

\$9,500 is appropriated.

\$2000 appropriated for survey of a railroad from Lewisburg to Water street.

Survey from Freeport by way of Butler.

SECTION 10. The sum of six hundred fifty-one thousand and seven hundred eighty dollars and seventy-four cents, be, and the same is hereby appropriated specifically for the following purposes, to wit:—To complete the Columbia railroad, twelve thousand five hundred and fifty-two dollars. To complete the Portage railroad, forty-two thousand and four hundred and sixty-one dollars. To complete the extension of the West Branch division to the mouth of the Tangascutack, one hundred and twelve thousand and seventeen dollars. For a reservoir at Johnstown, thirty thousand dollars, if the Canal Commissioners shall deem it advisable to commence the same within the present year. For ropes on the Columbia railroad, three thousand three hundred dollars. For moneys due on locomotives contracted for on the Columbia railway, five thousand four hundred and forty-three dollars and fifty-nine cents. For four new locomotive engines, and for ropes, repairing machinery, and debts due

Appropriations so the Columbia railroad, \$12,500.

Portage ditto 42,061 dols.

Tangascu. 12,017 dols.

Reservoir at Johnstown 30,000 dols.

Ropes.

Locomotives, &c.

for motive power on the Portage railroad, sixty-one thousand one hundred and seventeen dollars. For new work and for paying debts due on finished lines, and for pay of Canal Commissioners, appraisers, superintendents and engineers, thirty thousand dollars. For the repairs of canal and railroads, three hundred thousand dollars. For the payment of damages, twenty thousand dollars. For the payment of retained per centage due to contractors, twenty-five thousand dollars. To pay the award of arbitrators for damages sustained by the owners of the land through which the Grant's Hill tunnel passes, nine thousand eight hundred eighty-nine dollars thirty-seven and a half cents.

SECTION 11. The sums appropriated as aforesaid, by the three preceding sections of this act, shall be respectively paid out of the balance of the two millions of dollars, to be paid as aforesaid, by the said bank, into the treasury of the commonwealth, after deducting the amount appropriated by the seventh section of this act.

SECTION 12. The Canal Commissioners shall not be authorized to incur any debt on the faith of the commonwealth, in any way or manner, beyond the appropriation aforesaid, *And Provided,* That no part of the said appropriation shall be applied to any other than the several specific purposes to which it is appropriated by this act, nor shall any contracts be entered into for any new line of canal or railroad not mentioned in this act, or for any extension of the lines herein named beyond the limits prescribed by this act.

SECTION 13. The sum appropriated to the payment of damages by the tenth section of this act, shall be paid as speedily as possible, in the order as to time in which the said claims for damages has been awarded, assessed and confirmed, and afterwards to such as may hereafter be awarded, assessed and confirmed, or may be agreed upon as due by private acts.

SECTION 14. The said bank may establish two offices of discount and deposit in this state, one of which shall be at such place in the county of Beaver as the directors may select for the purpose.

SECTION 15. Nothing in this act contained shall take effect, until the several sections and provisions relating to the bank of the United States, shall have been accepted by the stockholders thereof, at a general meeting, which acceptance shall be made known to the Governor, on or before the third day of March next, whereupon, every preceding section of this act shall be in full force. And within thirty days after the acceptance, by the stockholders of the existing bank of the United States, notice shall be given by the directors thereof, that on a day named, not exceeding thirty days thereafter, an election shall be held for directors, under the

charter so accepted, which election shall be held in like manner as elections are now held in said bank, and the President and directors so elected, shall elect a president, and shall serve be elected until the first annual election; *Provided*, That from the said Provisional third day of March, to the holding of the election authorized by this section, the president and directors in office at the time of such acceptance, may continue to act.

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The eighteenth day of February, Anno Domini, one thousand eight hundred and thirty-six.

JOS.: RITNER.

No. 23.

An Act

To change the location of that part of the Columbia, Chiques and Marietta road, which passes through the land of Elizabeth, Mary and Susan Bethel, in the county of Lancaster.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That Elizabeth Bethel, Mary Bethel and Susan E. M. and S. Bethel, of the county of Lancaster, their heirs and assigns, have full power and authority, at their own proper charges and expense, to change the location of that part of the Columbia, Chiques and Marietta road, that passes through the land of said Elizabeth Bethel, Mary Bethel and Susan Bethel, from where the same is now located, and to remove the same to any distance on their own land, not exceeding seventy-five feet; *Provided*, That the road shall be made in all respects as good as the present road, and that the distance be no greater than the present road; *And provided also*, That the said Columbia, Chiques and

Marietta road and bridge company, receive no damage, or be put to any expenses thereby.

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The twenty-sixth day of February, Anno Domini, one thousand eight hundred and thirty six.

JOS : RITNER



No. 24.

A Supplement

To an act entitled "An act making appropriation for certain internal improvements," passed on the twenty-fourth of March, one thousand eight hundred and seventeen.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the Governor be, and he is hereby authorized and required, immediately after the passage of this act, to draw his warrant on the State Treasurer in favor of the president and Treasurer of the Lycoming and Potter turnpike road company, for the sum of twelve hundred and thirteen dollars and eighty-four cents, being the unexpended balance of the appropriation made for the said company, by the twenty-fourth section of the act entitled "An act making appropriation for certain internal improvements, approved on the twenty-fourth day of March, one thousand eight hundred and seventeen; *Provided,* That it shall be the duty of the treasurer of the said company, on receiving the same, to deliver to the State Treasurer certificates of shares of stock of the company, to the amount of the said payment, in the manner provided for by the forty-eighth section of the said act.

The Governor to draw his warrant on the State Treasurer for 1,213 dollars and 84 cents.

Certificates of shares of stock to be delivered to the State Treasurer.

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The twenty-sixth day of February, Anno Domini, one thousand eight hundred and thirty-six.

JOS : RITNER

No. 25.

A Supplement

To an act entitled "An act to incorporate the Pennsylvania Company for Insurance on Lives and Granting Annuities, and other purposes," passed on the tenth day of March one thousand eight hundred and twelve.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the Pennsylvania Company for Insurances on lives and granting annuities, be and they hereby are authorized, and empowered to accept and receive moneys, or other property, real or personal, in trust, to accumulate the interest or income thereof, at such rates and in such manner as may be agreed on, or to allow and pay such interest or income therefor and thereon, as may be stipulated and agreed on between the parties, not exceeding the legal rate of interest. And also to accept and execute trusts of any and every description, which may be committed or transferred with their consent to them, by any person or persons whatever, bodies corporate or politic, or by any court of the United States, or of the commonwealth of Pennsylvania.

The company empowered to receive moneys and property in trust. To accumulate the interest, &c.

SECTION 2. In all cases where application is made to any court of the commonwealth of Pennsylvania, for the appointment of any trustees, or of assignees, or of guardian of any minor or committee of a lunatic, it shall and may be lawful for such court, if they think proper to appoint said company, with their consent, such trustee, assignee, or guardian of the estate of such minor or committee of a lunatic, and the accounts of said company, as such trustee, or assignee, or guardian, or committee, shall be regularly settled and adjusted before the proper tribunal. and upon such settlement and adjustment, all proper, legal, usual and customary charges, costs, and expenses, shall be allowed to the said company for their care and management of the trusts and estates aforesaid, and the said company, as such trustee, or assignee, or guardian, or committee, shall be subject to all orders or decrees made by the proper tribunals under the laws of this commonwealth.

Accounts of the company; how settled.

SECTION 3. Upon any sum not less than one hundred dollars, which shall be collected or received by said company in its capacity of trustee, assignee, guardian, committee or receiver, under the order of any court of justice, a reasonable interest shall be allowed, of not less than four per cent. per annum, which interest shall continue to accrue until the

Interest allowed: Not less than four per cent. per annum.

moneys so received shall be duly expended and paid over, or distributed.

SECTION 4. When the annual income of an infant of whose estate the said company shall be the guardian, shall exceed the sum allowed, or which may be sufficient for the education, maintenance and support of said infant, such surplus income shall be accumulated by the said company for the benefit of such infant, by adding interest annually on the whole, as a new principal, the interest so to be allowed and added upon such accumulation, in no case to be less than four per centum per annum.

Surplus income to accumulate for the benefit of the infant.

No bond or collateral security required.

Corporation liable for losses.

Certificates shall be issued.

Money invested.

How and by whom affairs of company are to be investigated and reported to court.

Proviso repealed.

Meetings of stockholders how called.

SECTION 5. No bond or collateral security shall be required from the said company, when appointed trustee, assignee, guardian, committee or receiver, but that all investments of moneys received in trust by the said company shall be at the risk of said corporation, and for all losses of such moneys, the capital stock, property and effects of the said corporation, shall be absolutely liable.

SECTION 6. The said company shall, and may, whenever required so to do, issue certificates for the amount of all moneys deposited with them in trust, which certificates shall be assignable and transferrable on the books of the company, under such regulations as may be prescribed by the president and directors.

SECTION 7. All sums of money received under or by virtue of the provisions of this act, shall and may be invested as the other funds of the company now are or hereafter may be by law allowed to be invested.

SECTION 8. Whenever any court shall appoint the said company a trustee, assignee, guardian, of any minor or committee of a lunatic, or deposite with said company any moneys, such court may from time to time appoint a suitable person to investigate the affairs and management of said company, who shall report to such court the manner in which its investments are made, his opinion of the ability and integrity with which the affairs of the company are conducted, of the prudence and safety of its investments, and the security afforded to those by whom its engagements are held. The expense of every investigation so made, shall be defrayed by the said company.

SECTION 9. The proviso in the tenth section of the act to which this is a supplement, be and the same is hereby repealed.

SECTION 10. The president and directors shall be authorized and empowered, upon giving fifteen days public notice in at least two of the daily papers of the city of Philadelphia, to call meetings of the stockholders of the company, for the purpose of enacting, establishing and ordaining all ordinances, by-laws, and regulations, necessary for the government of

the company, and generally of transacting all other business which may be laid before them.

SECTION 11. If the privileges hereby granted, shall at any time hereafter prove injurious to the public welfare, the legislature shall have power to alter or repeal this act.

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The twenty-sixth day of February, Anno Domini, one thousand eight hundred and thirty-six.

JOS: RITNER.

No. 26.

AN ACT

To authorize William Williamson of the borough of West Chester, trustee of the children of Taylor Seal, to sell and dispose of certain personal property left under the will of William Seal, M. D. deceased.

WHEREAS, By the last will and testament of William Seal, M. D., late assistant surgeon of the United States Navy, certain "effects and articles of household furniture, plate, &c." then in the possession of his uncle Jacob Taylor, were directed to be, and remain in the charge, care and possession of his executor, until the youngest child of his brother Taylor Seal, arrives at the age of twenty-one years, *And whereas,* It has been represented to the legislature, that some of the said property is of a perishable character, and all of it likely to decrease in value the longer it is retained, and many years likely to elapse before the same can be distributed under the said will. Therefore,

SECTION 1. *It is enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met,* That William Williamson of the borough of West Chester, trustee of the children of Taylor Seal, is hereby authorized and empowered to make sale of the "effects and articles of household furniture," plate excepted, above referred to, and the proceeds thereof, to invest and appropriate in the

Preamble.

William Williamson trustee, empowered to sell household furniture, &c. Plate excepted.

Proceeds of
sale to be
invested.

way that the residue of the estate of the said William Seal,
M. D. deceased, is directed by his last will and testament.

NER MIDDLESWARTH,

Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,

Speaker of the Senate.

APPROVED—The twenty-sixth day of February, Anno Do-
mini, one thousand eight hundred and thirty-six.

JOS: RITNER.

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No. 27.

An Act

To incorporate the Exchange Bank of Pittsburg.

Commission-
ers appointed

Their au-
thority to es-
tablish the
exchange
bank.

Name.

SECTION 1. *Be it enacted by the Senate and House of Re-
presentatives of the Commonwealth of Pennsylvania in General
Assembly met, and it is hereby enacted by the authority of the
same, That William Robinson, jr. Samuel Roseburg, David
Fitzsimmons, John Gaullagher, John Willock, John M. Snow-
den, jr. William Bagaly, James Marshall, William W. Ir-
win, Robert Galway, Watterman Palmer, Salvanus Lothrop,
Washington W. Fetterman, John Morrison, Robert Knox,
John Grier, David Leech, Joseph Long, E. J. Higby, John
Hays, A. Leech, John F. Welshall, Samuel R. Johnson,
Peter Peterson, T. Myers, Andrew Watson, Samuel Walker,
Samuel Cooper, William Howard, James Thompson, Foster
Graham, William G. Alexander, Christopher L. Magee, Ed-
ward Simpson, Alexander McN. Semple, George Wallace,
William Daily, William Stewart, Daniel McCurdy, Henry
Olmsted, Samuel Smith, of the county of Allegheny, David
Dick and John McFarland, merchants of Meadville, Craw-
ford county, be, and they are hereby appointed commissioners,
who, or a majority of whom, are authorized to carry into
effect as soon as they may deem it expedient after the passage
of this act, the establishment of a bank to be called and
known by the name of the Exchange Bank of Pittsburg, agree-
ably to an act passed the twenty-first day of March, one thous-
and eight hundred and fourteen, entitled "An act regulating
banks;" and an act passed the twenty-fifth of March, one*

thousand eight hundred and twenty-four, entitled "An act to recharter certain banks;" and the act passed the first day of April, one thousand eight hundred and thirty-five, entitled "An act relative to banks;" with all and singular, the rights and privileges, and subject to all the like regulations, restrictions, penalties and taxes, imposed upon the said banks by the acts referred to, except so far as the said acts are supplied, amended, or altered by the provisions of this act, the said bank to be located in the city of Pittsburg, with a capital stock not exceeding one million of dollars, to be divided into shares of fifty dollars each, and to be managed by thirteen directors, each of the said directors to be owners of at least five shares of the capital stock of the said bank: The president and twelve of the said directors, shall reside in the county of Allegheny.

Capital stock not to exceed \$1,000,000.

Shares \$50 each.

13 directors.

SECTION 2. It shall be the duty of the said commissioners to procure books, in which they shall enter as follows, viz: "We whose names are hereunto subscribed, do promise to pay to the Exchange Bank of Pittsburg, the sum of fifty dollars for every share of stock in said bank, set opposite to our respective names, in such manner and proportions, as shall be determined by the board of directors of said bank, in pursuance of an act of the general assembly, entitled 'An act to incorporate the Exchange Bank of Pittsburg.' Witness our hands day of in the year of our Lord one thousand eight hundred and thirty-six;" *Provided*, That the Governor shall appoint a commissioned auctioneer, to sell said stock at public outcry or auction, and the said commissioners shall fix upon a certain place in the city of Pittsburg, for the sale of said stock, which place shall afford a full and commodious opportunity for all persons inclined to bid at said sale, and shall give public notice of the time and place of said sale, for at least ten successive days, in all the newspapers published in said city; and the said commissioners, or a majority of them, shall assemble at the place of sale, at the time appointed, with the said auctioneer, and shall superintend the said sale, and they shall cause the said auctioneer to set up to sale by public outcry, one share of stock which shall be disposed of to the highest and best bidder, who shall have the privilege to take the said one share or more, not exceeding twenty shares, at the price bid for the same, and the purchasers shall thereupon pay to the commissioners the premium or advance, above the par value of the share by them purchased, and five dollars in addition on account and in part of each share, and shall then be permitted to subscribe for such purchased stock, in manner as provided for in the second section of the act regulating banks, hereinbefore referred to, in default of which payment and subscription, the same shall be deemed invalid; and they shall proceed to sell the said capital stock, in the

Commissioners to procure books, in which subscriptions for stock to be entered and made.

Proviso. Governor to appoint an auctioneer to sell the stock.

Commissioners to superintend the sale of the stock.

One share to be set up with the privilege of taking 20 shares.

The premium and five dollars on each share to be paid before subscribing.

- same manner, from day to day, continuously, excluding Sun-**
days, or until the whole is disposed of, and they shall make
such other regulations as may be necessary to carry the sale
of the said stock by auction, fully into effect, a full and cor-
rect statement of the said sale, under oath or affirmation,
shall be rendered to the State Treasurer by the said auctioneer,
within ten days after the said sale, and the said auctioneer
shall declare to the best of his knowledge and belief, that
the said sale has been fairly and honestly conducted, without
any collusion between the said auctioneer, and any of the said
commissioners, or any other person, or between any of the
said commissioners among themselves, or any other person, to
influence said sale, to procure any of said stock to themselves
or friends, or any other person, otherwise than by the means
authorized by this section; and the proceeds of said sale over
and above the par value of said stock shall be received by
the said commissioners and paid over by them (first deduct-
ing one eighth of one per cent. on the amount of said excess,
and the amount of the first instalment for the compensation
to the said auctioneer in lieu of commissions,) to the State
Treasurer, for the use of the commonwealth, previous to the
charter being signed by the Governor, and shall be credited
to the said bank in payment of bonus required to be paid
for the privileges granted by this act; *Provided, That if*
such surplus above the par value does not amount to five per
cent. on the capital of said bank, the balance to make up said
five per cent. on the capital, shall be paid to the commonwealth
by said bank, in three equal annual instalments, from the
date of this act; *Provided also, That no other banking insti-*
tution shall be allowed directly or indirectly, to purchase or
hold any stock in this bank, or to be interested in any way,
either immediately or by the agency of any one, in the same,
but all such stock so purchased or held, or in which any
other bank shall be interested, shall be forfeited for the
benefit of the bank established by this act, and the said com-
missioners shall permit all persons of lawful age, citizens of
this, or any other of the United States, who shall purchase
at said auction sale, to subscribe in their own names, or in the
name of any person who shall authorize the same, for shares
in the said stock, in the said bank.
- Sale to be continued from day to day (Sundays excepted) until the whole capital stock is sold.** **SECTION 3.** The one half of the capital stock shall be paid in at the call of the directors, within six months after said bank shall go into operation, and from time to time, after six months, such further amount as the directors may call for, not exceeding the whole capital; and should the bank fail to meet its engagements, each person holding stock at the time of such failure, shall be personally liable for the debts of the bank, to the amount of the balance unpaid on the stock of such stockholder.
- Oath or affirmation of the auctioneer.**
- His duties.**
- His compensation.**
- 1st Proviso.**
- 2d Proviso.**
- Who may subscribe.**
- Capital stock when and how to be paid.**
- Stockholders liable for the debts of the bank.**

SECTION 4. If after thirty days notice, in at least three-

newspapers published in the city of Pittsburg, of the time and place appointed for the payment of any proportion or instalment of the capital stock, any stockholder shall neglect to pay such proportion or instalment at the place appointed, for the space of thirty days after the time appointed, every such stockholder or his assignee, shall, in addition to the instalment so called for, pay at the rate of one per centum per month, for the delay of such payment, and if the same and such additional penalty shall remain unpaid for such space of time as that the accumulated penalty shall become equal to the sums before paid, in part and on account of such shares, the same shall be forfeited to the said bank, and may be sold to any person or persons willing to purchase, for such price as can be obtained for the same; or in default of payment by any stockholder of any such instalment as aforesaid, the president and directors may at their election, cause suit to be brought in the name of the said bank, before an alderman, or a justice of the peace, or in any court having competent jurisdiction, for the recovery of the same, together with the penalty aforesaid; *Provided*, That no stockholder, whether original subscriber or an assignee, shall be entitled to vote at any election, or at any general or special meeting of the said corporation of the stockholders of the same, on whose share or shares any instalment or arrearages may be due and payable more than thirty days previously to the said election or meeting.

Penalty of one per cent. per month for delay of payment.

Forfeiture.

Proviso relative to voting.

SECTION 5. It may be lawful for the stockholders to meet at any time previous to the third Monday in November, one thousand eight hundred and thirty-six, and choose by ballot the aforesaid thirteen directors, to serve to that time or until others are elected, notice of the election having been given by the commissioners, at least ten days previous thereto, in three or more newspapers printed in the city of Pittsburg; and that this charter shall continue in full force and effect until the second day of November, one thousand eight hundred and fifty-one, and no longer.

Election of directors.

Term of charter.

SECTION 6. The thirteenth section of the act entitled "An act to recharter certain banks," passed the twenty-fifth day of March, eighteen hundred and twenty-four; and also the fourth section of the act of the twenty-third of April, eighteen hundred and twenty-nine, entitled "A further supplement to an act entitled An act to reform the penal laws of this commonwealth; and also the fifth section of the act entitled "An act to establish a bank in the county of Lebanon, and for other purposes," dated the eleventh of April, eighteen hundred and twenty-seven, be, and they are hereby extended to the bank chartered by this act.

Reference to certain acts.

SECTION 7. No stockholder shall be entitled to more than thirteen votes in their own right, either by him or herself, or by power of attorney, as proxy, by any other person for him

Number of votes.

Proxies.

or herself: *Provided also*, That any person or persons holding one or more powers or proxies, as attorney or agent for any other person or persons, they shall be entitled to vote in the same manner and proportions as other persons entitled to vote in their own right.

Eligibility of a director.

SECTION 8. No person shall be eligible as a director who is, or shall be at the same time a director in any saving fund institution, or insurance company, or who has a partner who is a director in any other bank or saving fund institution, or insurance company in the county of Allegheny.

Statement of affairs to be exhibited to the legislature.

SECTION 9. It shall be the duty of the president and directors of the said bank, to exhibit to the legislature, when called upon to do so, a statement of their affairs, in the form of a regular account current, or in such form as may hereafter be pointed out by the legislature, as they shall stand, on any day to be designated, specifying particularly the amount of their capital stock paid in, the daily average deposits throughout the year of gold and silver, and also notes of solvent banks, debts due to other banks, contingent fund, real estate at cost, gold and silver on hand, notes and bills discounted, bills of exchange, stock, bonds, judgments, mortgages, notes of other banks, debts due by other banks, distinguishing in each of the last eight items those which are good, those which are in suit, and those considered doubtful or bad, and such other information as may enable the legislature to possess a correct knowledge of the actual state and condition of the affairs of said bank: *Provided*, That such statement of the affairs of said bank, as they shall stand on the first Monday of October in each year, shall annually, prior to the last Monday of October, be transmitted, under oath or affirmation of the president or cashier of the said bank, who shall also state specifically how much gold, and how much silver belongs exclusively to said bank, and the same statement to be transmitted to the Auditor General, who shall, by the first Monday in January following, lay the same before the legislature.

Proviso relative to the statement.

Office of discount and deposit may be established in Butler, Meadville or Erie.

SECTION 10. The president and directors of the "Exchange Bank of Pittsburg," may, and they are hereby authorized to establish an office of discount and deposit in Butler, Butler county, or in Meadville, Crawford county, or in Erie, Erie county, or in Mercer, Mercer county, or in Hollidaysburg, Huntingdon county: *Provided*, The said corporation shall not establish a branch at more than one of the places mentioned in this section.

Reserved powers of the legislature.

SECTION 11. The privileges hereby granted to the said bank, shall be subject to such alterations, provisions and restrictions as now exist, or such as the legislature may at any time hereafter think proper to enact for the better regulation of the banking institutions of this commonwealth, and

shall be liable to such taxes, whether on dividends or otherwise, as the Legislature may at any time hereafter impose.

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The second day of March, Anno Domini, one thousand eight hundred and thirty-six.

JOS: RITNER.

No. 28.

An Act

To incorporate "The president and managers of the Kensington and Oxford turnpike road company."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That Samuel Anderson, Samuel Keath of the city Commissioners of Philadelphia, Charles Norris, Jonathan Pickering. Christopher Rex, Thomas Roach, George M'Callmount, George Pickering, Powel Carpenter, Thomas Weaver, Samuel Baker, John Felton, John Culin, jr. William Carr, Samuel M. Linn, John D. Wentz, James Comly, Robert Whitaker, James Buckman, William Overington, William M. Carter, Philip A. Rickert, Joseph Hallowell, John F. Myers, Jacob Ridgeway, John Falkrod, William Whitson, John B. Winder, Samuel Morton, John Hellerman, Ralph Eddowes, John S. Leibert, William F. Hughes, James Varree, Amos Snyder, William Watson, John Blake, John Cockle, William Livezey, Jacob Livezey, Thomas Yerkes, Samuel Kimber, Edward Parish, Robert V. Massey, James Hart, jr. Franklin A. Comly, Mahlon Dungan, Isaac Boileau of the county of Philadelphia, James Baird, John Ryner, Jacob R. Myers, Reuben Myers, John McMullen, Israel Hallowell, Abel Hallowell, William Morison, John Walton, Jacob Shelmire, Amos Addis, John Grant of Montgomery county, John Davis, Thomas Purdy, John Hart, Richard Leedom, Christopher Search, Lemon Banes of Bucks county, be, and they are*

To procure hereby appointed commissioners to do and perform the several things hereinafter mentioned, that is to say: They shall, on or before the first day of May next, procure two books, and in each of them enter as follows: "We whose names are hereunto subscribed, do promise to pay to the president and managers of the Kensington and Oxford turnpike road company, the sum of fifty dollars for every share of stock set opposite to our respective names, in such manner and proportions, and at such times as shall be determined by the president and managers of said company, in pursuance of an act of the general assembly of this commonwealth, entitled "An act to incorporate the president and managers of the Kensington and Oxford turnpike road company." Witness our hands the day of in the year of our Lord, one thousand eight hundred and thirty- and thereupon shall give notice in two or more public papers printed in the city and county of Philadelphia, for twenty days at least, of the time and places, when and where the said books shall be opened to receive subscriptions for the stock of the said company, at which time and places, one of the said commissioners shall attend, and permit and suffer all persons of lawful age, who shall offer to subscribe in said books in their own names, or in the name or names of any other persons who shall duly authorize the same, for any number of shares of said stock, and the said books shall be kept open respectively for the purpose aforesaid, at least six hours in every juridical day, for the space of six days, or until the said books shall have sixteen hundred shares therein subscribed.

Shares of stock 50 dols each.

Notice to be given when and where subscription books are to be opened.

Manner of subscription.

Whole No. of shares 1600.

Proviso.

5 dollars to be paid on each share before subscribing.

And if, at the expiration of the said six days, the books aforesaid shall not have the said number of sixteen hundred shares therein subscribed, the commissioners respectively, may adjourn from time to time, and transfer the said books from place to place, until the whole number of shares shall be subscribed, of which adjournment and transfer the commissioners aforesaid, shall give such public notice as the occasion may require; and when the whole number of shares subscribed shall amount to sixteen hundred, the same shall be closed; *Provided always*, That every person offering to subscribe in said books, in his own or any other name, shall previously pay to the attending commissioner or commissioners, the sum of five dollars for every share to be subscribed, out of which shall be defrayed such incidental charges and expenses as may be necessary for taking such subscription, and the remainder shall be paid over to the treasurer of the corporation, as soon as the same shall be organized, and the officers chosen, as hereinafter mentioned.

SECTION 2. When twenty persons or more, shall have subscribed eight hundred shares of the said stock, the said commissioners respectively may, or when the whole number of shares aforesaid shall be subscribed, they shall certify under

their hands and seals, the names of the subscribers, and the number of shares subscribed by each, to the Governor of this commonwealth, whereupon, it shall and may be lawful for the Governor, by letters patent, under his hand and seal of the state, to create and erect the subscribers, and if the subscription be not full at the time, then those who shall afterwards subscribe, to the number aforesaid, into one body politic and corporate in deed and in law, by the name, style and title of "The president and managers of the Kensington and Oxford turnpike road company," and by the said name the said subscribers shall have perpetual succession, and all privileges and franchises incident to a corporation, and shall be capable of taking and holding the capital stock, and the increase and profits thereof, and of enlarging the same from time to time, by new subscriptions, in such manner and form as they shall think proper, if such enlargement shall be found necessary to fulfil the intent of this act, and of purchasing, taking and holding to them, their successors and assigns, and of selling, transferring and conveying in fee simple, or for any less estate, all such lands, tenements, hereditaments and estate, real and personal, as shall be necessary to them in the prosecution of their works, and of suing and being sued, and of doing all and every other matter and thing which a corporation or body politic may lawfully do.

SECTION 3. The commissioners aforesaid, as soon as conveniently may be, after the said letters patent shall be sealed and obtained, shall give public notice in two or more public papers printed in the city of Philadelphia, of a time and place by them to be appointed, not less than twenty days from the publication of the first notice, at which time and place, the said subscribers shall proceed to organize the said corporation, and shall choose, by a majority of votes of the subscribers by ballot, to be delivered in person or by proxy duly authorized, one president, ten managers, one treasurer and such other officers as may be necessary to conduct the business of the said company, until the first Monday in November next, and until such other officers be chosen, and shall and may make such by-laws, orders and regulations, not inconsistent with the constitution and laws of the United States, and of this commonwealth, as shall be necessary for the well ordering the affairs of said company; *Provided always*, That no person shall have more than ten votes at any election, or in determining any question arising at such meeting whatever number of shares he may be entitled to, and that each person shall be entitled to one vote for every share held by him under that number.

SECTION 4. The said company shall meet on the first Monday in November in every year, at such place as shall be fixed by their by-laws, for the purpose of choosing such other officers as aforesaid, for the ensuing year, in manner

Letters pat-
ent by the
Governor.

Style and
title.

Powers.

Election.

To organize.

Officers.

Proviso rela-
tive to voting

Annual
election.

By laws. aforesaid, and at such other times as they shall be summoned by the managers, in such manner and form as shall be prescribed by their by-laws, at which annual or special meetings, they shall have full power and authority to make, alter or repeal by a majority of votes in manner aforesaid, all such by-laws, rules, orders and regulations, made as aforesaid, and to do and perform any other corporate act.

Certificates. SECTION 5. The president and managers first to be chosen, as aforesaid, shall procure certificates, to be written or printed, for all the shares of the said stock of the said company, and shall deliver one such certificate, signed by the president, and countersigned by the treasurer, and sealed with the common seal of the said corporation, to each person for every share by him subscribed and held, which certificate shall be transferrable at his pleasure, in person or by attorney, in the presence of the president or treasurer, subject however, to all payments due and to become due thereon, and the assignee holding any certificate, having first caused the assignment to be entered in a book of the company, to be kept for that purpose, shall be a member of said corporation, and for every certificate by him held, shall be entitled to one share of the capital stock, and of all the estates and emoluments of the company, and to vote as aforesaid at the meeting thereof.

Transferable

Assignments

Penalty of 5 per cent. per month for delay of payment. SECTION 6. If after thirty days notice in two of the public newspapers, printed in the city of Philadelphia, of the time and place appointed for the payment of any proportion or dividend of the said capital stock, in order to carry on the work, any stockholder shall neglect to pay any such proportion or dividend at the place appointed, for the space of thirty days after the time so appointed, every such stockholder, or his assignee, shall, in addition to the dividends so called for, pay after the rate of five per cent. per month, for delay of such payment, and if the same and the said additional penalty shall remain unpaid for such space of time, as that the accumulated penalties shall become equal to the sums before paid, in part, and on account of such shares, the same shall be forfeited to the said company, and may and shall be sold to any person or persons, willing to purchase, for such price as can be obtained for the same.

Forfeiture.

Quorum. SECTION 7. The said president and managers shall meet at such times and places as shall be ordained by their by-laws, and when met, six members shall form a quorum, who in the absence of the president may choose a chairman, and shall keep minutes of all their transactions, fairly entered in a book, and a quorum being formed, they shall have full power and authority to appoint all such surveyors, engineers, superintendents, and other artists and officers, as they shall deem necessary to carry on their intended works, and fix their salaries and wages, to ascertain the times when and the

Powers.

Manner and proportion in which the stockholders shall pay **Mode of**
the moneys due on their respective shares, in order to carry **payment for**
on the work, to draw orders on the treasurer for all moneys **labour and**
necessary to pay the salaries or wages of persons by them **materials.**
employed, and for labour done, and materials provided in
the prosecution of the work, which orders shall be entered
on their book of minutes, and shall be signed by the presi-
dent, or in his absence by a majority of a quorum, and coun-
tersigned by their secretary, and generally to do all such
other acts, matters and things, as by this act and the by-laws,
rules, orders and regulations of the company, shall be com-
mitted to them.

SECTION 8. The said road shall be made in, over and upon **Location of**
the bed of the present road, beginning at the place where the **the road.**
northern boundary line of the Kensington district crosses the
Second street road, thence extending by John D. Wentz's
tavern in Bristol township, to the Oxford road in the town-
ship of Oxford, Philadelphia county; *Provided*, That the **Proviso.**
said company may extend the said road, when deemed advi-
sable by them, to a point at or near New Hope on the river
Delaware; *Provided always*, That no surveyor, superinten- **2d Proviso.**
dent, artist or other person or persons employed by said com-
pany to lay out the said road, shall enter upon, or go through
any land or lands belonging to any person or persons, with-
out first obtaining permission of the owner or owners thereof,
excepting where it may be found necessary for the widening
the said road.

SECTION 9. The president and managers, and company,
shall cause a road to be laid out of not less than fifty feet, in **Dimensions**
such a manner as that the present buildings on said road be **and materi-**
not injured, and at least twenty feet thereof to be made an **als of the**
artificial road, bedded with wood, stone or gravel, or any **road.**
other hard substance, well compacted together, and of suffi-
cient depth to secure a solid foundation to the same, and the
said road shall be faced with gravel, or stone pounded, or
other small hard substance, in such manner as to secure a
firm, and as near as the materials will admit of, an even sur-
face, and so nearly level in its progress as that it shall in no
place rise or fall more than will form an angle of four de- **Grade, 4 de-**
grees with a horizontal line, and shall forever after maintain **grees eleva-**
and keep the same in good and perfect order, from the north- **tion.**
ern line of the Kensington district, to Oxford road aforesaid,
and also to the town of New Hope, if the said road should be
extended as aforesaid; and the said president and managers,
and company, shall have power to erect permanent bridges **Power to e-**
over all the waters crossing the said road; *Provided*, That if **rect bridges**
the said road be faced with stone, the stones shall be none
of them larger in size than will pass through a circular ring
of two inches in diameter.

SECTION 10. So soon as the said president, managers and

company shall have perfected the said road, from the northern limits of Kensington district, the distance of two miles, and also, when they shall have completed the remainder of the distance to the Oxford road, they shall give notice thereof to the Governor of the commonwealth, who shall thereupon, forthwith nominate and appoint three disinterested persons to view and examine the same, and report to him in writing, whether the said road is so far executed in a masterly and workmanlike manner, according to the true intent and meaning of this act, and if their report shall in either case be in the affirmative, then the Governor shall by license, under his hand and the lesser seal of this commonwealth, permit and suffer the said president, managers and company, to erect and fix so many gates and turpikes upon and across the said road, as will be necessary and sufficient to collect the toll and duties hereinafter granted to the said company, from all persons traveling on the same with horses, cattle, carts and carriages; *Provided*, That all persons attending funerals or places of worship, their horses and carriages shall be exempt from the payment of tolls, in going to and returning therefrom.

When view-
ers to be ap-
pointed by
the Govern-
or.

License.

Gates and
turpikes.

Funerals,
&c. exempt
from toll.

Powers of
toll gather-
ers.

Tolls.

SECTION 11. When the said company is licensed in manner aforesaid, it shall and may be lawful for them to appoint such, and so many toll gatherers as they shall think proper, to collect and receive of, and from all and every person and persons using the said road, the tolls and rates hereinafter mentioned, and to stop any person riding, leading or driving any horses, cattle, hogs, sheep, coach, coachee, sulky, chair, chaise, phaeton, cart, waggon, train, sleigh, sled or any other carriage of burden or pleasure, from passing through the said turnpikes, until they shall respectively have paid the same; that is to say, for every five miles in length of the said road, completed and licensed as aforesaid, the following sums of money, and so in proportion for any lesser distance, or for any greater or lesser number of sheep, hogs or cattle, to wit: For every score of hogs six cents; for every score of sheep six cents; for every score of cattle twelve cents; for every horse and his rider, or led horse, three cents; for every sulkey, chair or chaise, with one horse and two wheels, six cents, and with two horses nine cents; for every chariot, coach, phaeton or dearborn, with one horse and four wheels, eight cents; for every chariot, coach, phaeton or chaise with two horses and four wheels, twelve cents; for either of the carriages last mentioned with four horses, twenty cents; for every other carriage of pleasure, under whatsoever name it may go, the like sums, according to the number of wheels and horses drawing the same; for every stage wagon with two horses, twelve cents; and for every such wagon with four horses, twenty cents; for every sleigh three cents for each horse drawing the same; and for every sled two cents; for

each horse drawing the same; for every cart or wagon whose wheels shall not exceed four inches, six and a quarter cents for each horse drawing the same; and for every cart or wagon whose wheels shall exceed four inches and not exceed seven inches, three cents for every horse drawing the same; for every cart or wagon, the breadth of whose wheels shall be more than seven inches and not more than ten inches, and being of the breadth of seven inches, shall roll more than ten inches, two cents for every horse drawing the same; for every cart or wagon the breadth of whose wheels shall be more than ten inches and not exceeding twelve inches, or being ten inches, shall roll more than fifteen inches, one cent for every horse drawing the same; for every cart or wagon, the breadth of whose wheels shall be more than twelve inches, one cent for every horse drawing the same. And if any person or persons shall represent to the said company or any of their officers, that he, she or they have travelled a less distance than he, she or they have actually travelled along said road, with intent to defraud said company of its toll, or any part thereof, such person or persons shall for every such offence, forfeit and pay to the use of said company, the sum of five dollars; and if any toll gatherer shall demand and receive toll for a greater distance than the person of whom such toll is demanded, shall have travelled along said turnpike road, or shall demand and receive greater toll from any person or persons, than such toll gatherer is authorized to demand and receive by virtue of this act, such toll gatherers shall forfeit and pay the sum of ten dollars for every such offence, to the use of the poor of the township in which the forfeiture is incurred, and for the payment of which, the said company shall be responsible.

\$5 fine for defrauding the company of its toll.

Penalty of \$10 if toll gatherers extort.

Company responsible.

SECTION 12. All such carriages as aforesaid, to be drawn by oxen in the whole, or partly by horses and partly by oxen, two oxen shall be estimated as equal to one horse in charging all the aforesaid tolls, and every mule as equal to one horse.

Oxen rated.

SECTION 13. If the said company shall neglect to keep the said road in good and perfect order for the space of ten days, and information thereof shall be given to any justice of the peace of the neighborhood, within the county where the repair ought to be made, such justice shall issue a precept, to be directed to any constable, commanding him to summon three disinterested persons, to meet at a certain time in said precept to be mentioned, at the place in the said road which shall be complained of, of which meeting notice shall be given to the keeper of the gate or turnpike nearest thereto, within the said county, and the said justice shall at such time and place, on the oaths or affirmations of the said persons, inquire whether the said road, or any part thereof, is in such good and perfect order and repair, as aforesaid, and shall cause an inquisition to be made, under the hands of himself and a major-

Manner of proceeding against the company when the road is in bad order.

ity of the said persons, and if the said road shall be found by the said inquisition to be out of order and repair, contrary to the true intent and meaning of this act, the said justice shall certify and send one copy of the said inquisition to each of the keepers of the turnpikes or gates between which such defective place shall be, and from thenceforth, the tolls hereby granted to be collected at such turnpikes or gates, shall cease to be demanded, paid, or collected, until the said defective part or parts of the said road shall be put in good and perfect order and repair, as aforesaid; and if the same shall not be so put into good and perfect order and repair, before the next general court of Quarter Sessions of the peace, to be held for the county in which the defect is proved to be, the aforesaid justices shall certify, and send a copy of the inquisition aforesaid to the justices of the said court, and the said justices shall thereupon cause process to issue, and bring in the body or bodies of the person or persons entrusted by the company with the care and superintendence of such part of the said road as shall be so found defective, and shall proceed thereon, as in cases of supervisors of the highways for neglect of their duty, and if the person or persons entrusted by the said company, as aforesaid, shall be convicted of the offence by the said inquisition charged, the said court shall give judgment according to the nature and aggravation of the neglect, as according to right and justice would be proper in the case of supervisors of the highways neglecting their duties, and the fines and penalties so to be imposed, shall be recovered in the same manner as fines for misdemeanors are usually recovered in the said court, and shall be paid to the supervisor of the highways of the township wherein the offence was committed, to be applied to repairing the public roads within such township.

Penalty for
evading the
payment of
toll

SECTION 14. If any person or persons whosoever, owning, riding in, or driving any sulkey, chair or chaise, phaeton, cart, wagon, wain, sleigh, sled, or other carriage of burden or pleasure, riding or leading any horse, mule, mare or gelding, or driving any hogs, sheep, or other cattle, shall therewith pass through any private gates or bars, or along or over any private gates or bars, or along or over any private passage, way or other ground near to or adjoining any turnpike or gate erected, or which shall be erected in pursuance of this act, with an intent to defraud the company and avoid the payment of the toll or duty for passing through any such gate or turnpike, or if any person or persons shall, with such an intent, take off, or cause to be taken off, any horse, mule, mare or gelding, or other cattle from any sulkey, chair, chaise, phaeton, cart, wagon, wain, sleigh, sled or other carriage of burden or pleasure, or practise any other fraudulent means or device, with the intent that the payment of any such toll or

duty may be evaded or lessened; all and every person or persons in all, or every, or any of the ways or manners aforesaid offending, shall for every such offence, respectively, forfeit and pay to the president, managers and company of the Kensington and Oxford turnpike road, any sum not exceeding ten dollars, to be sued for and recovered, with costs of suit, before any justice of the peace, in like manner, and subject to the same rules and regulations, as debts of a similar amount are by law sued for and recovered: *Provided always*, Proviso relative to vexatious prosecutions. That if any person or persons shall be prosecuted under this section of this act, and the said prosecution shall not be sustained on the part of the prosecutors, then, in that case, the person or persons prosecuted as aforesaid, shall receive from the company the sum of ten dollars, in lieu of damages arising from delay and a vexatious prosecution, recoverable as other fines under this act.

SECTION 15. The president and managers of the said Fair accounts to be submitted annually to the stockholders. company, shall keep fair and just accounts of all moneys received by them from the said commissioners, and from the subscribers to the said undertaking, on account of the several subscriptions, and of all penalties for the delay of payment thereof, and of the amount of profits on the shares which may be forfeited, as aforesaid, and also, all moneys by them expended in the prosecution of their said work, and shall once at least, in every year, submit such accounts to a general meeting of the stockholders, until the said road shall be complete, and until all the costs, charges and expenses of effecting the same shall, be fully paid and discharged, and the aggregate amount of such expenses shall be liquidated and ascertained; and if, upon such liquidation, or when the capital stock of the said company shall be nearly expended, it shall be found that the said capital stock will be insufficient to complete the said road, according to the true intent and meaning of this act, it shall and may be lawful for the said president, managers and company, at a stated or special meeting, to be convened according to the provisions of this act or their own by-laws, to increase the number of shares to such an extent as shall be deemed sufficient to accomplish The number of shares may be increased. the work, and to receive and demand the moneys subscribed for such shares in like manner, and like penalties, as are hereinbefore provided for the original subscription, or as shall be provided for by their by-laws.

SECTION 16. The said president and managers and company, shall also keep a just and true account of all and every of the moneys received by their several and respective collectors of tolls, at the several and respective gates or turnpikes on the said road, from the beginning to the end thereof, and shall make and declare a dividend, and when such Relative to dividends. dividends shall exceed twelve per cent. per annum, then one

half of the surplus exceeding twelve per cent. to be paid into the state treasury, for the benefit of the education fund, which abstract shall be verified by the oath or affirmation of the president or treasurer of said company, of the clear profits and income thereof, all contingent costs and charges being first deducted, among all the subscribers, to the said company's stock, and shall, on the first Monday in November and May in every year, publish the half yearly dividend made of the said clear profits among the stockholders, and of the time and place when and where the same will be paid, and shall cause the same to be paid accordingly.

Mile stones.

SECTION 17. The said company shall cause mile stones to be placed on the side of the said road, beginning at the distance of one mile from the northern limits of the Kensington district, and extending thence to the termination of the turnpike aforesaid, whereon shall be marked in plain legible characters, the respective number of miles which each stone is distant, from the commencement of the said turnpike road, and at every gate or turnpike by them to be fixed on the said road, shall cause the distance from Philadelphia and the distance from the nearest gates or turnpikes in each direction, to be marked in legible characters, designating the number of miles and fractions of a mile, on the said gates, or some other conspicuous place, for the information of travellers and others using the said road. And if any person shall wilfully destroy the said mile stones, or deface the same, or deface the directions made on the said gates or other conspicuous places aforesaid, or shall, without permission of the acting superintendent of the said road, throw out upon the road, or within the limits of the same, and suffer to remain for the space of one day, any mould, dirt, shavings, weeds, or rubbish of any kind, such person being convicted thereof by the evidence of one or more credible and disinterested witnesses, before any disinterested justice of the peace of the county, he or she shall be adjudged by the said justice to pay a fine not exceeding three dollars, to be recovered, with costs, as debts of like amount are by law now recoverable, which fine, when recovered, shall be paid by the said justice to the treasurer of the said company, for the use of the said company.

Penalty for
defacing mile
stones or de-
positing rub-
bish on the
road.

Wagoners
and others to
keep on the
right hand
side.

Penalty.

SECTION 18. All wagoners, and drivers of carriages of all kinds, whether of burden or pleasure, using the said road, shall, except when passing by a carriage of slower draught, keep their horses and carriages on the right hand side of the said road in the passing direction, leaving the other side of the said road free and clear for other carriages to pass and repass; and if any driver shall offend against this provision, he shall forfeit and pay any sum not exceeding two dollars, to any person who shall be obstructed in his passage, as will sue for the same, to

be recovered with costs, before any justice, in the same manner as debts of like amount are by law now recoverable, and no waggoner, or driver of carriages of any kind, whether of burden or pleasure, using said road, shall pass any other vehicle going in the same direction, at a faster gait than a trot, at a rate not exceeding eight miles per hour, under a penalty of twenty dollars for each offence, recoverable before any justice of the peace, one half to the use of the said company, and the other half to the use of the informant. **Penalty.**

SECTION 19. If the said company shall not proceed to carry on the said work within four years after the passage of this act, or shall not within eight years afterwards, complete the said road to the Oxford road, according to the true intent and meaning of this act, then, in either of those cases, all and singular, the rights liberties and privileges, and franchises hereby granted to the company, shall revert to this commonwealth. **Time of completing the road.**

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The fourth day of March, Anno Domini, eighteen hundred and thirty-six.

JOS: RITNER.

No. 29.

A Supplement

To an act entitled "An act to enable John Christ to exchange certain real estate, and for other purposes," approved on the eighth day of April, one thousand eight hundred and thirty-three.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the time specified in the first proviso of the third section of an act entitled "An act to enable John Christ to exchange certain real estate, and for other purposes," to exchange which requires that all conveyances made in pursuance of real estate

Time extended:

Proviso:

that act, shall be recorded in the clerk's office of the county in which the said lands may be situate, within one year after the date thereof, be extended to three years, and that all conveyances made in pursuance of the said act, and recorded in the proper office, within three years from the date thereof, shall be as valid in law and have the like effect, as if the same had been recorded within one year; *Provided*, That nothing herein contained shall in any manner effect or impair any rights or interests acquired by other persons previous to the recording of the said conveyances.

NER MIDDLESWARTH,
Speaker of the House of Representatives.
THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED— The fourth day of March, Anno Domini, one thousand eight hundred and thirty-six.

JOS : RITNER.



No. 30.

An Act

To incorporate the Franklin bank of Washington.

Commissioners appointed

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Alexander Reed, Daniel Moore, William Hunter, Robert Officer, Thomas M'Giffin, Doctor Francis J. Lemoyne, Henry Langley, John K. Wilson, Thomas M'Call, David Eckart, Jacob Slagle, William Brownlee, George Wilson, Doctor Samuel Murdock, Walter Craig, Samuel M'Farland, James Stevens, Thomas Morgan, John Cook, Enoch Wright, William Smith, Joseph Henderson, Alexander Sweery, Samuel Mount, Collin M. Reed, Aaron Fenton, James Ruple, George Black, John Morgan, John Watson, John S. Brady and Thomas M. T. M'Kennan, be, and they are hereby appointed commissioners, who, or a majority of whom, are authorized to carry into effect, as soon as they may deem it expedient after the passage of this act, the

establishment of a bank, to be called and known by the name of the Franklin bank of Washington, agreeably to an act passed the twenty-first of March, one thousand eight hundred and fourteen, entitled An act regulating banks, and an act passed the twenty-fifth day of March, one thousand eight hundred and twenty-four, entitled An act to re-charter certain banks, and the act passed the first day of April, one thousand eight hundred and thirty-five, entitled An act relative to banks, with all and singular, the rights and privileges, and subject to all the like regulations, restrictions, penalties and taxes, imposed upon the said banks by the acts referred to, except so far as the said acts are supplied, amended or altered by the provisions of this act; the said bank to be located in the borough of Washington, Washington county, with a capital stock of three hundred thousand dollars, to be divided into shares of fifty dollars each, and to be managed by thirteen directors, each of the said directors to be owners of at least five shares of the capital stock of the said bank; the president and twelve of the said directors, shall reside in the county of Washington.

To establish
the Franklin
Bank of
Washington.

To be located
in the bo-
rough of
Washing-
ton.

Capital stock
\$300,000.

Shares fifty
dollars each.

Residence of
president and
directors.

Section 2. It shall be the duty of the said commissioners to procure books, in which they shall enter as follows, to wit: "We whose names are hereunto subscribed, do promise to pay to the Franklin bank of Washington, the sum of fifty dollars for every share of stock in said bank, set opposite to our respective names, in such manner and proportions as shall be determined by the board of directors of said bank, in pursuance of an act of the general assembly, entitled "An act to incorporate the Franklin bank of Washington." Witness our hands the day of in the year of our Lord, one thousand eight hundred and thirty-six. *Provided,*

Books and
form of sub-
scription.

Proviso.

That the commissioners, or a majority thereof, shall appoint a suitable person to act as auctioneer, to sell the said stock at public outcry or auction, and the said commissioners shall fix upon a certain place in the borough of Washington, or the city of Pittsburg, or Philadelphia, for the sale of said stock, which place shall afford a full and commodious opportunity for all persons inclined to bid at said sale, and shall give public notice of the time and place of said sale, for at least ten successive days, in two of the newspapers published in said borough, or such place of sale, and the said commissioners, or any person authorized by a majority of them, shall meet at the place of sale at the time appointed, with the said auctioneer, and shall superintend the sale, and they shall cause the said auctioneer to set up to sale by public outcry, one share of stock, which shall be disposed of to the highest and best bidder, who shall have the privilege to take the said one share or more, not exceeding twenty shares, at the price bid for the same, and the purchaser shall, thereupon,

Appointment
of auctioneer
to sell the
stock.

Time, place
and manner
of the sale.

Sale to be continued from day to day, excluding Sundays, until the whole capital stock is sold.

Duties of the auctioneer to be performed under oath or affirmation.

Auctioneer's compensation.

Proviso.

Forfeiture.

Who may subscribe.

pay to the commissioners, the premium or advance above the par value of the shares by them purchased, and five dollars in addition, on account and in part of each share, and shall then be permitted to subscribe for such purchased stock, in manner as provided for in the second section of the act regulating banks, hereinbefore referred to, in default of which payment and subscription, the same shall be deemed invalid, and they shall proceed to sell the said capital stock, in the same manner, from day to day, continuously, excluding Sundays, or until the whole is disposed of, and they shall make such other regulations as may be necessary to carry the sale of the said stock by auction fully into effect; a full and correct statement of the said sale, under oath or affirmation, shall be rendered to the State Treasurer by the said auctioneer, within ten days after the said sale, and the said auctioneer shall declare to the best of his knowledge and belief, that the said sale has been fairly and honestly conducted, without any collusion between the said auctioneer and any of the said commissioners, or any other person, or between any of the said commissioners among themselves, or any other person, to influence said sale, to procure any of said stock to themselves, or friends, or any other person, otherwise than by the means authorized by this section, and the proceeds of said sale, over and above the par value of said stock, shall be received by the said commissioners, and paid over by them (first deducting all reasonable expenses of such sale or sales, *Provided*; They do not exceed one-eighth of one per cent. on the amount of said excess, and the amount of the first instalment for the compensation to the said auctioneer, in lieu of commissions) to the State Treasurer, for the use of the commonwealth, previous to the charter being signed by the Governor, and shall be credited to the said bank, in payment or part payment of bonus required to be paid for the privileges granted by this act, and if said excess does not amount to five per cent. on the capital stock, such deficiency shall be paid into the state treasury, within six months after the bank shall go into operation; *Provided also*, That no other banking institution shall be allowed, directly or indirectly, to purchase or hold any stock in this bank, or be interested in any way, either immediately, or by the agency of any one in the same, but all such stock so purchased or held, or in which any other bank shall be interested, shall be forfeited for the benefit of the bank established by this act, and the said commissioners shall permit all persons of lawful age, citizens of this or any other of the United States, who shall purchase at said auction sale, to subscribe in their own names, or in the name of any person who shall authorize the same, for shares in the said stock in the said bank.

SECTION 3. The one half of the capital stock shall be paid in at the call of the directors, within six months after said bank shall go into operation, and from time to time, after six months, such further amount as the directors may call for, not exceeding the whole capital; and should the bank fail to meet its engagements, each person holding stock at the time of such failure, shall be personally liable for the debts of the bank, to the amount of the balance unpaid on the stock of such stockholder.

Capital stock, when & how paid.
Stockholders liable for debts.

SECTION 4. If after thirty days notice, in at least two newspapers published in the borough of Washington, of the time and place appointed for the payment of any proportion or instalment of the capital stock, any stockholder shall neglect to pay such proportion or instalment, at the place appointed, for the space of thirty days after the time appointed, every such stockholder or his assignee, shall, in addition to the instalment so called for, pay at the rate of one per centum per month, for the delay of such payment, and if the same and such additional penalty shall remain unpaid for such space of time, as that the accumulated penalty shall become equal to the sums before paid, in part and on account of such shares, the same shall be forfeited to the said bank, and may be sold to any person or persons willing to purchase, for such price as can be obtained for the same; or in default of payment by any stockholder of any such instalment as aforesaid, the president and directors may, at their election, cause suit to be brought in the name of the said bank, before an alderman or a justice of the peace, or in any court having competent jurisdiction, for the recovery of the same, together with the penalty aforesaid; *Provided*, That no stockholder, whether original subscriber or an assignee, shall be entitled to vote at any election, or at any general or special meeting of the said corporation, of the stockholders of the same, on whose share or shares any instalment or arrearages may be due and payable, more than thirty days previously to the said election or meeting.

Penalty of one per cent. per month for delay of payment.
Forfeiture.
Proviso relative to voting

SECTION 5. It may be lawful for the stockholders to meet, at any time previous to the third Monday of November, one thousand eight hundred and thirty-six, and choose by ballot the aforesaid thirteen directors, to serve to that time, or until others are elected, notice of the election having been given by the commissioners, at least ten days previous thereto, in two or more newspapers printed in the borough of Washington; and that this charter shall continue in full force and effect, until the second day of November, one thousand eight hundred and fifty, and no longer.

Annual election of directors.
Term of charter.

SECTION 6. The fifth section of the act entitled "An act to establish a bank in the county of Lebanon, and for other purposes," dated the eleventh of April, eighteen hundred

Reference to the Lebanon bank.

and twenty-seven, be, and it is hereby extended to the bank chartered by this act.

Number of
votes.

Proviso.

Proxies.

Eligibility of
a director.

Statement of
affairs to be
exhibited to
the legisla-
ture.

Proviso rela-
tive to the
statement.

Reservation
of powers by
the legisla-
ture.

SECTION 7. No stockholder shall be entitled to more than thirteen votes in their own right, either by him or herself, or by power of attorney, as proxy, by any other person for him or herself; *Provided also*, That any person or persons holding one or more powers or proxies, as attorney or agent for any other person or persons, they shall be entitled to vote in the same manner and proportions as other persons entitled to vote in their own right, to the number of fifty votes, but no number of proxies in the hands of any one person, shall confer or give any additional vote.

SECTION 8. No person shall be eligible as a director, who is or shall be at the same time, a director in any saving fund institution or insurance company, or who has a partner who is a director in any other bank or saving fund institution in the county of Washington.

SECTION 9. It shall be the duty of the president and directors of the said bank, to exhibit to the legislature, when called upon to do so, a statement of their affairs, in the form of a regular account current, or in such form as may hereafter be pointed out by the legislature, as they shall stand, on any day to be designated, specifying particularly, the amount of their capital stock paid in, the daily average deposits throughout the year, of gold and silver, and also notes of solvent banks, debts due to other banks, contingent fund, real estate at cost, gold and silver on hand, notes and bills discounted, bills of exchange, stock, bonds, judgments, mortgages, notes of other banks, debts due by other banks, distinguishing in each of the last eight items, those which are good, those which are in suit, and those considered doubtful or bad, and such other information as may enable the legislature to possess a correct knowledge of the actual state and condition of the affairs of said bank; *Provided*, That such statement of the affairs of said bank, as they shall stand on first Tuesday of October in each year, shall annually, prior to the last Monday of October, be transmitted, under oath or affirmation of the president or cashier of the said bank, who shall also state specifically, how much gold and how much silver belongs exclusively to said bank, and the same statement to be transmitted to the Auditor General, who shall, by the first Monday in January following, lay the same before the legislature.

SECTION 10. The privileges hereby granted to the said bank, shall be subject to such alterations, provisions and restrictions as now exist, or such as the Legislature may at any time hereafter think proper to enact, for the better regulations of the banking institutions of this commonwealth, and

shall be liable to such taxes, whether on dividends or otherwise, as the legislature may at any time hereafter impose.

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The ninth day of March, eighteen hundred and thirty-six.

JOS: RITNER.



No. 31.

An Act

Providing for the trial of certain causes depending in the Court of Common Pleas of York county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That when any cause shall be marked for trial or argument at any regular and adjourned court of Common Pleas of the county of York, which the president of said court is incompetent to try, it shall be the duty of the judge of the District court of the county of Lancaster, to attend at York and determine the same, he receiving for the services hereby enjoined, the same compensation that is allowed by law to the presidents of the courts of Common Pleas, for similar services, in holding special courts out of their respective districts; and it shall be the duty of the prothonotary to furnish the said judge, at least fifteen days before each term, with a list of all such causes set down for trial or argument before him: *Provided,* That the judge of the District court aforesaid, shall not be required to attend at York at any time during which he may be holding court at Lancaster: *And* *Provided,* That nothing herein contained shall prevent the associate judges of the Court of Common Pleas of York county, from trying any cause, when the parties agree thereto in writing; and the associate judges of said court of Common Pleas, shall have full power to enter motions, grant rules

Compensation to the

judge.

Duty of the prothonotary

1st Provision.

2d Provision.

necessary to put causes at issue, and rules to shew cause in all cases when the president judges shall be incompetent to act.

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The tenth day of March, Anno Domini one thousand eight hundred and thirty-six.

JOS: RITNER.

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No. 32.

An Act

For the relief of James Robb and others.

Jury to inquire and report the amount of damages.

1st Proviso.

2d Proviso.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the court of Quarter Sessions for the county of Philadelphia, on application being made therefor, to issue a venire, directed to the sheriff of the county of Philadelphia, to summon six respectable citizens of the said county, to constitute a jury, whose duty it shall be, under oath or affirmation, duly made before any officer authorized to administer the same, in conjunction with the county commissioners, to examine into, and inquire as to the amount of damages sustained by James Robb and others, in property, on the night of the general election, on the fourteenth of October, one thousand eight hundred and thirty-four, in the township of Moyamensing, and report the same, under their hands and seals, to the said court, whereupon, the clerk of the said court shall draw an order, or orders, on the treasurer of the county of Philadelphia, in favor of the said James Robb, and such as shall have suffered damages as aforesaid, for the amounts respectively reported to be due to them; Provided, That the total amount of damages so to be paid, shall not exceed six thousand dollars; And provided further, That nothing contained in this act,*

shall be so construed as to remunerate any others than those who sustained damage at the time of the fire near the Commissioner's Hall, in the township of Moyamensing, on the night aforesaid.

SECTION 2. The said jury and commissioners shall have authority to administer oaths or affirmations to such witnesses as may be examined by them.

Witness to be sworn or affirmed.

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The eleventh day of March, Anno Domini, one thousand eight hundred and thirty-six.

JOS: RITNER.

No. 33.

A Further Supplement

To the act entitled "An act authorizing the Governor to incorporate the "Philadelphia Steam Tow Boat Company."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the board of directors of the Philadelphia Steam Tow-Boat company, are hereby authorized to receive additional subscriptions to the capital stock of the said company, for two hundred and fifty shares, of one hundred dollars each, so as to make the whole capital of the company one hundred thousand dollars.

Whole capital stock to be \$100,000.

SECTION 2. The said board of directors shall perform the duties prescribed for the commissioners, appointed under the act of the general assembly, passed the seventh of April, eighteen hundred and thirty-two, and shall be governed by the rules there laid down for the said commissioners, so far as the taking of said additional number of shares is concerned; and all persons subscribing for the said additional

shares or any part thereof, shall be bound in the same manner, and shall be entitled to all the privileges and immunities granted by the act aforesaid, to the original subscribers.

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The eleventh day of March, Anno Domini,
one thousand eight hundred and thirty-six.

JOS: RITNER.



No. 34.

A Supplement

To the act entitled "An act to establish the District court for the city and county of Philadelphia, passed the twenty-eighth day of March, one thousand eight hundred and thirty-five.

No copy of
record to
be filed:

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That in all actions which have been, or shall be brought in the said court, upon any record remaining therein, it shall not be deemed or held to have been, or to be necessary for the plaintiff to file in the office of the prothonotary of the said court, a copy of such record, to entitle him to enter judgment under the second section of the act to which this is a supplement; Provided, He shall have complied with the other requisitions of the said act.*

Writs of ven-
ire.

SECTION 2. The said court shall have power to award writs of *venire* for the summoning of jurors at any time, not less than thirty days before the day appointed for the return of such writs, notwithstanding the term during which the said writs shall be returnable, shall have commenced at the time of the issuing thereof.

Judgments
by default.

SECTION 3. Each of the judges of the said court sitting alone, is hereby declared to have power under existing laws to render judgments by default, under the second section of the said act, and also, to render judgment by default in actions of partition.

SECTION 4. The defendant in any action which shall be brought in the said court for the recovery of money, or of any goods or chattels, or the value thereof in damages, which shall have come lawfully to his hands or possession, may, at any time after declaration filed and before plea pleaded by a suggestion to be filed of record, disclaim all interest in the subject matter of such action, and offer to bring the same into court, or to pay or dispose thereof as the court shall order, and if he shall also alledge under oath or affirmation, that the right thereto is claimed by, or supposed to belong to some person not party to the action, (naming him or them,) who has sued or is expected to sue for the same, or shall shew some probable matter to the court to believe that such suggestion is true, the said court may, thereupon, order the plaintiff to interplead with such third person, and make such rules and orders in the cause, and issue such process for the purpose of making such third person party to the action, and for carrying such proceeding to interplead into full and complete effect, and may render such judgment or judgments thereon, as shall be agreeable to the rules and practices of the law in like cases.

How third persons may be made parties, and judgments rendered.

SECTION 5. If the process issued upon an order to interplead, as aforesaid, shall not be actually served, or personal notice thereof shall not be given to such third person, the said court shall have power, upon giving judgment for the plaintiff, to require him to enter into a recognizance, and if they shall think it necessary, with sufficient surety, to interplead with such third person, if afterwards, and before the expiration of the time which would be allowed to him to prosecute his claim against the defendant, such third person should appear in the said court, and claim such money or such goods or chattels, or the value thereof.

Recognizance to be entered into.

SECTION 6. The said court sitting in bank, shall have power from time to time, by general rules and orders, to make such alterations and regulations in respect to the time and manner of pleading, and the form and effect of pleadings, and the verifications and amendment thereof, and to variances occurring between the cause or causes of action alleged, and the evidence offered in support thereof, in suits brought in the said court, and such rules for carrying the same into effect, either by way of staying proceedings in the action, or by the payment of costs, or otherwise, as shall be conducive to fairness, economy and despatch in the trial of such actions; *Power of the court in bank*

Provided, That nothing herein contained, shall be so construed as in any way to impair or effect the provisions of the fifth section of the act passed March twenty-first, eighteen hundred and six, entitled An act to regulate arbitrations and proceedings in courts of justice.

Nonsuit.

Writ of error

SECTION 7. Whenever the defendant, upon the trial of a cause in the said court, shall offer no evidence, it shall be lawful for the judge presiding at the trial, to order a judgment of nonsuit to be entered, if, in his opinion, the plaintiff shall have given no such evidence as in law is sufficient to maintain the action, with leave, nevertheless, to move the court in bank to set aside such judgment of nonsuit; and in case the said court in bank shall refuse to set aside the nonsuit, the plaintiff may remove the record by a writ of error, into the Supreme court for revision and reversal, in like manner and with like effect as he might remove a judgment rendered against him upon a demurrer to evidence.

Costs & fees.

SECTION 8. The same costs and fees which by law may now be demanded by sheriffs, jurors and witnesses, in the court of Common Pleas of the city and county of Philadelphia, may be charged for similar services in the District court for the said city and county, and no other or greater fees.

Judges may meet upon Saturday.

SECTION 9. The judges of the said court, or any two of them, shall have power, during the periods appropriated for the trial of causes by jury, to meet in bank, if they deem it necessary or proper, upon the Saturday of each week of such periods, and dispose of all motions and questions requiring early attention, which a single judge is not by law competent to decide.

Relative to the powers of the District court.

SECTION 10. The authority and power given to the District court for the city and county of Philadelphia, by an act passed on the fourteenth day of April, one thousand eight hundred and twenty eight, entitled, "An act to prevent the failure of trusts, to provide for the settlement of the accounts of trustees, and for other purposes," are hereby declared to be vested in the court established by the act to which this is a supplement; and also, to have been vested in the court established by an act passed on the twenty-sixth day of March, one thousand eight hundred and thirty-two, entitled, "An act to establish the District court for the city and county of Philadelphia."

SECTION 11. In all cases where the proceeds of any sheriff's sale shall be brought into the said court for distribution, and the claims upon the said fund shall be referred to an auditor for adjustment, it shall be lawful for the court to direct such public notice to be given as they may deem proper, by advertisement, in two public newspapers or otherwise, and they may therein require all persons to make their claims before such auditor, within such time as shall be limited by such order, or be debarred from coming in upon the said fund.

SECTION 12. That the provisions of the act passed the twenty-ninth of March, one thousand eight hundred and twenty-three, entitled, "A supplement to the act entitled, 'An act to compel assignees to settle their accounts, and for other purposes,'" be, and hereby are extended to all cases where any estate, real or personal, hath heretofore been, or may hereafter be devised or bequeathed in trust, either for femes covert minors, or others, by any last will or testament, as fully and effectually as if such trust have been created by any other instrument of conveyance.

The provisions of the act of March 29th, 1823, extended.

SECTION 13. That the provisions of the act passed the twenty-fourth day of March, Anno Domini, one thousand eight hundred and eighteen, entitled "An act to compel assignees to settle their accounts, and for other purposes," and the several supplements thereto, are hereby extended to all cases of trusts, created by any instrument in writing, or by any last will and testament, so far as to authorize any cestuy que trust, or co-trustee, to compel his or her trustee or trustees, co-trustee or co-trustees, to settle his, her, and their accounts, and to exhibit the amount of the estate so held by such trustee or trustees, and the manner in which such trustee or trustees hath or have disposed of the same, in like manner and with the same effect as creditors now can, by virtue of the said act, compel assignees to settle the accounts of the estate and property conveyed to such assignees in trust for creditors.

Act of 24th March, 1818, extended.

SECTION 14. That the provisions of the second section of the act to which this is a supplement, which provides for the taking judgments by default, shall be, and the same hereby are extended to all actions brought on contracts for the loan or advance of money, whether the same be reduced to writing or not: *Provided*, That in all such cases no judgment shall be entered by virtue of this section, unless the plaintiff shall, within two weeks after the return of the original process, file in the office of the prothonotary of the said court, an affidavit, setting forth the terms of the said loan, or advance, with the date thereof.

The 3d section of the original act extended in certain cases. *Provided*.

SECTION 15. That from and after the passage of this act, it shall be the duty of the Governor to appoint a competent person, learned in the law, to be an associate judge of the court of Common Pleas for the city and county of Philadelphia, who shall be entitled to the same compensation as is now allowed to the present legal associate judge of said court; and hereafter, the said court shall consist of a president and two associate judges, learned in the law, and each of the said associate judges shall have power to hold a court of Common

Associate judge learned in the law, to be appointed by the Governor

Pleas, and to issue writ of habeas corpus, and grant relief thereon.

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The eleventh day of March, Anno Domini, one thousand eight hundred and thirty-six.

JOS: RITNER.



No. 35.

An Act

Authorizing the payment of the temporary loan, made under the act of fifteenth day of April, one thousand eight hundred and thirty-five.

Temporary
loan of \$74,440 to be
paid.

SECTION. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the Governor is hereby authorized to pay out of any money in the treasury not otherwise appropriated, the seventy-four thousand four hundred and forty dollars borrowed from the bank of Pennsylvania, in pursuance of the act of Assembly, passed the fifteenth day of April, in the year one thousand eight hundred and thirty-five.

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The eleventh day of March, Anno Domini, eighteen hundred and thirty-six.

JOS: RITNER.

No. 36.

Act

For the relief of Robert Boyd, and other soldiers and widows of soldiers of the revolutionary war.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the State Treasurer is hereby authorized and required to pay to Robert Boyd of Mercer county, Christopher Sowders, Catharine Fismire and Mary Culp of Philadelphia county, Frederick Hill of Bedford county, Leonard Mayer of Schuylkill county, George Leonard Jacob Keller, Peter Maurer, Casper Hubert, Rachel Fox, Melchior Schaum, John Getz senior, and Emanuel Deyer of Lancaster county, Nicholas Mier and Hannah Fullerton of Crawford county, Mathew Murdock and Robert M'Knight of Washington county, John Wentzel, Andrew Ardman, Jacob Shefer, Susanna Fitzgerald and Elizabeth Hoyd of Montgomery county, Catharine Barnhart and Dorothy Detman of York county, John Koch of Berks county, Caleb Crumlow of Fayette county, Anthony Weaver of Luzerne county, Joseph Ellis of Columbia county, Jacob Keller of Dauphin county, Mary Newman of Lycoming county, soldiers and widows of soldiers of the revolutionary war, or to their respective orders, forty dollars to each immediately, and an annuity of forty dollars to each during life, payable half yearly, to commence on the first day of January, one thousand eight hundred and thirty-six.

Gratuities & annuities of \$40 each to divers old soldiers, &c.

SECTION 2. The State Treasurer is hereby authorized and required to pay to Peter Kehley and Eve Lengle of Schuylkill county, Elizabeth Crozer of Juniata county, Joseph Rehr of the city of Philadelphia, and Eve Kechly of Lebanon county, a gratuity of forty dollars to each, immediately, in full for the services performed by them, and also the widows above named, for the services performed by their late husbands in the revolutionary war; the foregoing pensions and gratuities to be paid in conformity to the existing laws.

Gratuities of \$40 each.

SECTION 3. The State Treasurer is hereby authorized and required to pay to Judy M'Gee and Elizabeth M'Laughlin of Columbiana county, state of Ohio, widows of soldiers of the revolutionary war, or to their respective orders, forty dollars to each immediately, and an annuity of forty dollars to each during life, payable half yearly, to commence on the first day of January, one thousand eight hundred and thirty-six; these

Gratuities & annuities of \$40 each.

annuities to be paid in conformity to the existing laws of the
commonwealth, by the treasurer of Beaver county.

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The twelfth day of March, Anno Domini,
eighteen hundred and thirty-six.

JOS: RITNER.

No. 37.

An Act

To authorize the Governor to incorporate a company to erect a bridge
over the Allegheny river, from Mechanic's street in the borough of
the Northern Liberties of Pittsburg, in Allegheny county.

SECTION 1. *Be it enacted by the Senate and House of Re-
presentatives of the Commonwealth of Pennsylvania in Gene-
ral Assembly met, and it is hereby enacted by the authority of
the same,* That G. E. Warner, G. A. Cook, Jacob Painter,
*Commission- Frederick Lorenze, Nicholas Vaghelty, John Shoneberger,
ers appointed George Miltenberger, Wm. McNair and Robert Watson, be,*
and they are hereby appointed commissioners to perform the
several duties hereinafter mentioned; that is to say, they
shall, on or before the first day of July next, procure a book
and enter therein as follows: "We whose names are here-
unto subscribed, do promise to pay unto the president,
managers and company for erecting, a bridge over the Alle-
gheny river, from Mechanic's street in the borough of the
Northern Liberties of Pittsburg, the sum of fifty dollars for
every share of stock set to our names, respectively, in such
proportions, and at such times as shall be determined by the
president and managers, in pursuance of an act of the general
assembly, entitled "An act authorizing the Governor to incor-
porate a company to erect a bridge over the Allegheny river;"
Witness our hands and seals, the day of in the year
of our Lord, one thousand eight hundred and thirty-six; and
shall, thereupon, give notice in at least two of the newspapers

Form and
manner of
taking sub-
scriptions of
stock.

Price of
shares \$50
each.

published in the city of Pittsburg, for one calender month at least, when and where the said books shall be opened to receive subscriptions for the stock of said company, at which respective times and place, at least two of the said commissioners shall attend, and permit all persons of lawful age to subscribe in said book, until the number of twelve hundred shares shall have been subscribed, after which, the books shall be closed; *Provided*, That every person offering to subscribe in said books, in his own, or in the name of any other person, shall previously pay to the attending commissioners, the sum of five dollars for every share to be subscribed, out of which shall be defrayed the expenses attending the taking said subscriptions and other incidental charges, and the remainder shall be paid over to the treasurer of the corporation, as soon as the same shall be organized, and the officers, as hereinafter directed, shall be chosen.

Notice of when and where the books shall be opened. Whole number of shares, 1200. *Provide*. 5 dollars on each share to be paid.

SECTION 2. When twenty or more persons shall have subscribed six hundred or more shares in the said work, the commissioners, or a majority of them, shall certify, under their hands and seals, the names of the subscribers, and the number of shares by them subscribed, to the Governor, and thereupon, it shall be lawful for the Governor, by letters patent, under his hand and seal of the state, to erect and create the subscribers into one body politic and corporate, in deed and in law, by the name, style and title of the "president and managers and company for erecting a bridge across the Allegheny river, from Mechanic's street in the borough of the Northern Liberties of Pittsburg, in Allegheny county;" and by the said name, the subscribers shall have perpetual succession, and all the privileges, franchises incident to a corporation, and shall be capable of taking and holding their said capital stock, and the increase and profits thereof, and of enlarging the same, by new subscriptions, in such manner and form as they shall think proper, if such enlargement shall be found necessary to fulfil the intent of this act, and of purchasing, taking and holding to them and their successors and assigns, in fee simple, or for any less estate, real and personal, as shall be found necessary and convenient to them in the prosecution of their work, and the same to sell and dispose of their pleasure, and of doing all and every other thing which a corporation or body politic may lawfully do.

Letters patent.

Style & title.

Powers of the company.

SECTION 3. The persons named in the letters patent, as soon as conveniently may be, shall give notice in the before mentioned newspapers, of the time and place, by them to be appointed, not less than thirty days from the date of the first notice, at which time and place, the said subscribers shall proceed to organize the said corporation, and shall choose, by a majority of votes of the said subscribers, by ballot, to be

Notice. Organizing and choosing officers and a majority of votes of the said subscribers, by ballot, to be

1st Proviso.

Number of
votes.

2d Proviso.

By-laws.

Proviso.

Bridge to be
completed in
ten years.Banking pro-
hibited.

2d Proviso.

Tolls.

delivered in person or proxy, duly authorized, nine managers, and one treasurer, for the term of one year from the date of the aforesaid election; and yearly, and every year thereafter, the said subscribers shall proceed to ballot, as aforesaid, for nine managers and one treasurer; that the said managers so elected and appointed, shall meet, within thirty days from the date of such election, and select one of their number as president for the current year; *Provided*, That every stockholder shall be entitled to one vote for each and every share he, she or they may hold, if the number shall not exceed five, and one vote for every three shares above five and under twelve; for every ten shares over twenty; *Provided*, That no stockholder shall be entitled to more than twelve votes.

SECTION 4. The said president and managers may make such by-laws, rules, orders and regulations, not inconsistent with the laws of this state, or of the United States, as shall be necessary for the well ordering of the affairs of the corporation, and, generally, to have all powers, authorities and privileges necessary for completing, maintaining and keeping in repair the said bridge; *Provided*, That if the said company shall not proceed to carry on said bridge within five years after the passage of this act, and within five years thereafter complete the same, or if the said company shall proceed to issue any note or notes of the nature of bank notes, or do any business of the nature of banking, it shall and may be lawful for the legislature to resume all and singular, the liberties and privileges hereby granted to said company; *Provided further*, That the erection of said bridge shall not obstruct the navigation of said river, so as to endanger the passage of rafts, steamboats or other water crafts.

SECTION 5. When a complete bridge shall have been erected, the president, managers and company for erecting a bridge over the Allegheny river, from Mechanics' street in the borough of the Northern Liberties of Pittsburg, their successors and assigns, are hereby empowered to erect gates, and demand and receive tolls, not exceeding as follows, to wit: For every foot passenger, two cents; for every carriage, of whatever description, used for the purpose of trade or agriculture, having four wheels and drawn by six horses, seventy-five cents; for every such carriage having four wheels and drawn by five horses, sixty-two and one half cents; for every such carriage having four wheels and drawn by four horses, fifty cents; for every such carriage having four wheels and drawn by three horses, forty four cents; for every such carriage having four wheels and drawn by two horses, thirty-seven and one half cents; for every such carriage having four wheels and drawn by one horse, thirty-one cents; for every carriage of whatever description, used for

the purpose of personal accommodation or pleasure, having Tolls four wheels and drawn by four horses, seventy-five cents; for every such carriage having four wheels and drawn by two horses, sixty-two and one half cents; for every such carriage having four wheels and drawn by one horse, thirty-seven and one half cents; for every carriage, of whatever description, used for the purpose of trade or agriculture, having two wheels and drawn by four horses, forty-four cents; for every such carriage having two wheels and drawn by three horses, thirty-seven and one half cents; for every such carriage having two wheels and drawn by two horses, thirty-one cents; for every such carriage having two wheels and drawn by one horse, eighteen cents; for every chair or other wheeled carriage of pleasure, for every horse used therein, eighteen cents; for every sleigh or sled drawn by four horses, thirty-seven and one half cents; for every sleigh or sled drawn by three horses, thirty-one cents; for every sleigh or sled drawn by two horses, twenty-five cents; for every sleigh or sled drawn by one horse, twelve and one half cents; for every horse, mare or gelding, with a rider, six cents; for every horse, mare or gelding without a rider, six cents; for every carriage drawn by oxen, or partly by oxen and partly by horses, to be rated in proportion of two oxen for one horse, and in all cases a mule shall be rated in the same proportion as a horse; for every head of horned or muley cattle, two cents; for every head of sheep or swine, one cent; *Provided, 1st Proviso* That any person or persons attending funerals, any detachment of the military of this state or of the United States, foot passengers attending divine service, students or children attending schools or other seminaries of learning, shall at all times be exempt from paying toll; *Provided also, That 2d Proviso.* it shall be the duty of the president and managers of the company, and their successors, to have a written or printed list or lists of the above rates of toll, placed upon some conspicuous part, at each end of the said bridge, for the inspection of all persons desirous of seeing the same.

NER MIDDLESWARTH,

Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,

Speaker of the Senate.

APPROVED—The fourteenth day of March, A. D. eighteen hundred and thirty-six.

JOS: RITNER.

No. 38.

An Act

Supplementary to the act entitled "An act authorizing the Governor to incorporate the Philadelphia and Delaware county, and Southwark railroad companies," passed the second day of April, Anno Domini, one thousand eight hundred and thirty-one.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That it shall and may be lawful for the president and directors of the Philadelphia and Delaware county railroad company, to increase the capital stock of the said company, from time to time, to the number of eight thousand shares, of fifty dollars each, and to receive subscriptions for, sell and dispose of the same; and the subscribers and purchasers, his, her, and their assignee, or assignees, shall be subject to the like penalties, forfeitures and liabilities, in regard to the same, as are prescribed in the act to which this is a supplement, in relation to the stock by that act authorized to be subscribed for; and the said company shall have power to borrow money on loan, to enable them to finish their works, and to give mortgages, certificates of loan, or other evidences and securities for the payment thereof, the same to be convertible, or not convertible into stock, as shall be agreed on between said company and the lender or lenders; *Provided,* That the company shall not borrow as aforesaid, until at least one hundred and fifty thousand dollars shall have been expended in the construction of the said railroad.

SECTION 2. Subscriptions for the said increase of capital stock, shall be taken in like manner as is provided by the act to which this is a supplement, for the subscription to the original stock; *Provided,* That the president and directors of the company shall perform the duties imposed on the commissioners named in the said act; *And Provided further,* That on the first day the books are opened, no person shall subscribe in his own name, or in the name of another person, or persons, for more than ten shares of stock.

SECTION 3. So much of the tenth section of the act to which this is a supplement, as requires the said company to locate and construct the said road along the route of the Baltimore Post road, or as near thereto as the ground will admit, making the post towns of Darby and Chester, or their vicinity, points in the said road, be, and the same is hereby repealed.

SECTION 4. The said company, shall not construct any No bridge to bridge or other device, on or over the river Schuylkill, below be built below the bridge at Fairmount, by which the navigation of said low Fairmount river may be injured or obstructed.

SECTION 5. The corporate name of the said Philadelphia Style and ti- and Delaware county railroad company is hereby changed to be changed. to that of "the Philadelphia, Wilmington and Baltimore railroad company," and under the latter name, shall be entitled to the privileges, and subject to the liabilities and restrictions of the said company, under its present name.

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The fourteenth day of March, Anno Domini, one thousand eight hundred and thirty-six.

JOS : RITNER.



No. 39.

An Act

Authorizing the Governor to incorporate the Warren and Pine Grove Railroad Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Robert Falconer, Guy C. Irvin, Robert Commission- Russel, Archibald Tanner, Thomas Struthers, Zachariah ers appointed Eddy, Lansing Wetmore, and William A. Irvine, John Rees, Thomas Martin, Thomas Sloan, Henry Sargeant, be, and they are hereby appointed commissioners, to do and perform the several things hereinafter mentioned; that is to Form and say, they, or any three of them, shall procure a sufficient manner of number of suitable books, and in each of them enter as fol- taking sub- lows, viz: "We and each of us whose names are hereunto scriptions. subscribed, do promise to pay to the directors of the Warren Price of and Pine Grove railroad company, the sum of fifty dollars-shares fifty for every share of stock set opposite to our respective names, dollars each.

and by us respectively subscribed, in such manner and proportions, and at such times and places, as shall be determined and directed by the said directors, in pursuance of an act entitled "An act authorizing the Governor to incorporate the Warren and Pine Grove railroad company;"

Witness our hands the day of Arno Domini, one thousand eight hundred and ; and shall, thereupon, give at least twenty days previous notice, in one or more newspapers printed in the county of Warren, of the times when, and the places where some one or more of the aforesaid commissioners will attend, and receive subscriptions from all persons of lawful age who shall offer to subscribe in said books, which shall be kept open for the purpose aforesaid, at least six hours in every juridical day, for the space of three days, or until there shall be subscribed in the said books two thousand shares; and if, at the expiration of three days, the books aforesaid shall not have the number of shares aforesaid therein subscribed, then the said commissioners, at their discretion, may adjourn from time to time, and transfer the books elsewhere, until the whole number of shares aforesaid shall be subscribed, of which adjournment and transfer, the commissioners aforesaid shall give such public notice as the occasion may seem to require.

SECTION 2. When one thousand shares or more shall be actually subscribed, and five dollars on each share paid to said commissioners, the said commissioners, or a majority of them, shall certify the same, under oath or affirmation, to the Governor of this commonwealth, and on the receipt of such certificate, the Governor shall, by letters patent, under his hand and the seal of the commonwealth, create and erect the subscribers, and if the subscription be not full at the time, then those also who shall thereafter subscribe to the whole number of shares aforesaid, into a body corporate and politic, in deed and in law, by the name, style and title of "the Warren and Pine Grove railroad company," and by the same name the subscribers shall have perpetual succession, and all the privileges, franchises and immunities incident to a corporation, may sue and be sued, implead and be impleaded, in all courts of record and elsewhere, may purchase, receive, have, hold and enjoy, to them and their successors and assigns, lands, tenements and hereditaments, goods, chattels, and all estates, real, personal or mixed, of what kind or quality soever, and the same from time to time, may sell, mortgage, grant, alien and dispose of, and make dividends of such portions of the profits as they may deem proper; and also may make and have a common seal, and the same alter or renew at pleasure, and generally may do all and singular, the matters and things which to them it shall lawfully appertain to do, for the well being of the said corporation, and the due

Notice.

Who may
subscribe.

Whole num-
ber of shares
2000.

Five dollars
on each share
to be paid.

Letters pat-
ent.

Style & title.

Powers of the
company.

OF THE SESSION OF 1835—36.

management and ordering of the affairs and business of the same; *Provided*, That nothing herein contained shall be so *Proviso*. considered and construed as giving to the said corporation any banking privileges, or any other liberties, privileges or *Banking privileges prohibited.* franchises, but such as may be necessary or incident to the making and maintaining the said railroad, and to the conveyance of passengers, and the transportation of goods, merchandise and commodities thereon.

SECTION 3. For the management of the affairs of the said corporation, seven directors shall be elected, by ballot, annually, by the stockholders of the said company, the votes to be delivered in person, or by proxy, duly authorized, which directors, shall appoint one of their own number to be president, and shall respectively serve one year, or until other directors be elected, and shall have power to make such by-laws, rules, orders and regulations, not inconsistent with the constitution and laws of the United States, and of this commonwealth, as may be necessary for the well ordering of the affairs of the said company; *Provided*, That none but stockholders *Proviso*. shall be eligible to be elected directors; and that every such election, and in all other cases in which the stockholders shall be called upon to vote, each share of stock shall be *Voting*. entitled to one vote, and also, that in all cases of elections for directors, the seven stockholders having the greatest number of votes, shall be declared duly elected.

SECTION 4. No share of stock shall be entitled to a right *Right of suffrage.* of suffrage, which shall not have been held three calendar months prior to the day of election, nor unless it shall be held by the person in whose name it appears, absolutely and bona fide to his own right, or in that of his wife, or for his or her sole use and benefit, or as executor or administrator, trustee or guardian, or in the right and for the use and benefit of some co-partnership, corporation or society, of which he or she may be a member, and not in trust for the use and benefit of any other person; that no share or shares held by transfer, shall be entitled to vote, unless the same shall have been transferred at least three months before the election, and no share or shares shall be entitled to vote at any election, or at any general or special meeting of the said company, on which any instalment or arrearages may have been due and payable more than twenty days previously to the said election or meeting, and that all votes by proxy, shall *Proxies*. be upon such terms and conditions as are prescribed by the act passed the twenty-eighth day of March, in the year one thousand eight hundred and twenty, entitled "An act to regulate proxies;" *Provided*, That all proxies shall be dated *Proviso*. within sixty days of the election at which the same shall be presented.

SECTION 5. The aforesaid commissioners, or a majority of them, shall, as soon as practicable after the said letters patent shall have been obtained, give at least fifteen days previous public notice in the newspapers herein before mentioned, of the time and place by them appointed, for the subscribers or stockholders to meet, for the purpose of electing seven directors, as provided for in the preceding sections, and that annually thereafter, the said stockholders shall meet on the third Monday in January, for the purpose of electing directors as aforesaid, upon a like previous notice, to be given by the directors for the time being, in such newspapers as they may deem advisable; *Provided*, That if from any cause such election shall not be held at the time specified therefor, the same may be held at any other time, on notice as aforesaid; that until such election be held, the directors of the preceding year shall continue to act, and that this charter shall not be avoided by reason of the irregularity or want of such election; *And provided also*, That in case of any vacancy, from death or resignation of any director, his place shall be filled by the board of directors.

Notice when and how elections to be holden.

1st Proviso.

2d Proviso.

Vacancies.

SECTION 6. The said directors shall meet at such times and places, and be convened in such manner as they may hereafter agree upon; four directors shall be a quorum for the transaction of business, who, in the absence of the president, may appoint a president pro tem. The said directors shall appoint a secretary, treasurer, and such engineers and other officers as they may find necessary, shall fix their compensation, and may demand adequate security for the performance of their respective trusts; they shall have full power to ascertain and decide the time, manner and proportions in which the stockholders shall pay the money due on their respective shares, and to forfeit to the use of the company, the share or shares of every person failing to pay any instalment so required; to regulate tolls; to make such covenants, contracts and agreements with any person, co-partnerships or body politic whatsoever, as the execution and management of the works, and the convenience and interests of the company may require; and in general, to superintend and direct all receipts, disbursements and other affairs and proceedings of the company.

Quorum.

Secretary & treasurer.

Forfeitures.

SECTION 7. The directors first chosen as aforesaid, shall issue a certificate to each stockholder, for the number of shares he or she shall subscribe for, or hold in the said corporation, signed by the president, countersigned by the treasurer, and sealed with their common seal, subject however to all the payments due, and to grow due thereon; which stock shall be transferrable in person, or by attorney, executors, administrators, guardians or trustees, under such regulations as may be provided for by the by-laws.

Certificates.

Seal.

Transfers.

SECTION 8. At each annual meeting of the stockholders, the directors of the preceding year shall exhibit to them a Statement of complete statement of the affairs and proceedings of the the affairs. company for such year, and that special meetings of the Special meet. stockholders may be called by order of the directors, or by ings. stockholders holding one fourth in amount of the capital stock, on like notice as that required for annual meetings, specifying moreover, the object of the meeting, but no business shall be transacted at such special meeting, unless a majority in value of the stockholders shall attend in person or by proxy.

SECTION 9. The said company be, and they are hereby Location and authorized, as soon as they conveniently can, to locate and construction of the road. construct a railroad of one or more tracks, from Warren, by the shortest and best route, to a convenient point on the New Route. York state line, near the Canewango creek, and to make, construct and erect such warehouses, toll houses, carriages, cars and all other works and appendages, necessary for the convenience of the said company in the use of the said railroad.

SECTION 10. It shall and may be lawful for the said Authority to company, their officers, engineers and agents, to enter upon enter upon any lands for the purpose of exploring, surveying and loca-lands. ting the route of the said railroad, doing thereto no unnecessary damages, and when the said route shall be determined by the said company, it shall be lawful for the said company, their agents, officers, engineers, contractors and servants, at any time to enter upon, take possession of, and use such land.

SECTION 11. When the said company cannot agree with the owner or owners of such required land, for the purchase Mode and thereof, or where, by reason of legal incapacity or absence of manner of as- any such owner or owners, no such agreement or purchase certaining damages. can be made, the court of Common Pleas for the proper county, on application thereto, by or on behalf of either party, and at the costs and charges of said company, shall nominate and appoint twelve discreet and disinterested persons of the said county, and shall issue a precept to the sheriff of the said county, to summon the said twelve persons to meet on the land so required, or from whence the said materials shall or may be taken, at a day to be expressed in the warrant, not less than ten nor more than twenty days thereafter; and the sheriff upon receiving the said warrant, shall forthwith summon the said twelve persons, and shall give at least eight days notice to the respective parties, and the said sheriff shall attend at the time and place named in the warrant, and when nine or more of the said persons shall have appeared, shall, in the case of land so required, administer to each of them an oath or affirmation that "he will faithful-Oath. ly, justly and impartially value the land occupied or required

for such railroad, or other works, and all damages which the owner or owners shall sustain or may have sustained by reason of the construction of the said railroad and other works, taking into consideration the advantages as well as the disadvantages of the same to the said owner or owners, according to the best of his skill and judgment; and in the case of materials taken for the purpose aforesaid, that he will faithfully, justly and impartially value the materials so taken, and fix the rate of compensation to be paid therefor by the said company, to the said owner or owners, taking into consideration the advantages as well as the disadvantages arising from the construction of such railroad and other works, to the said owner or owners, according to the best of his skill and judgment;" whereupon, the said persons shall proceed to view the land so required, or the place from whence such materials shall or may be taken, as the case may be, and to hear the evidence of the respective parties; and their verdict, signed by the sheriff and at least seven of the jury, shall be returned by the sheriff, within five days thereafter, to the prothonotary of the said county, who shall file the same; and the said sheriff and persons shall be entitled to the like fees for their respective services, as are allowed to the execution of an order issued by the Orphans' court, for the valuation of lands of an intestate, under the intestate laws of this commonwealth; *Provided*, That if the proper officer of said company, at any time before application made by any person having sustained damage by reason of the construction of said railroad, in the manner hereinbefore directed, shall tender to such person a sum of money, in full compensation of his damages, said company shall not be liable for costs on any subsequent proceeding, unless such person shall recover a verdict more favorable than the previous tender of said company.

Proviso.

Costs.

Exceptions
to verdict.

SECTION 12. Either party shall be at liberty to make exceptions to any verdict, rendered according to the provisions of the preceding section, within twenty days after the same shall be returned and filed by the prothonotary as aforesaid, which exceptions shall be heard by the court of Common Pleas of the proper county, who may either affirm, or set aside the same, as shall be lawful and right, and if no such exceptions be filed within twenty days, or if any verdict be affirmed, then the verdict shall stand as a judgment against the party against whom it is given, but if any such verdict be set aside by the court, a new precept shall issue to the sheriff in the manner before specified; *Provided*, That upon the subsequent proceedings, if the party excepting does not recover a verdict more favorable than the verdict so excepted to and set aside, such party shall pay all costs of such subsequent proceedings.

Proviso.

Costs.

SECTION 13. It shall be the duty of the [said company to construct and keep in repair good and sufficient passages ^{Passages} across the said railroad, where any public road shall intersect ^{across the} and cross the same, so that the passage of carriages, horses, ^{road.} persons and cattle along the said roads shall not be obstructed; and also, when the said railroad shall intersect any farm, to provide and keep in repair a suitable passage for the use of the said farm.

SECTION 14. On the completion of the said railroad, the same shall be esteemed a public highway for the conveyance of passengers and transportation of merchandise and commodities, under such regulations as shall be , prescribed by the directors, and it shall and may be lawful for the said company to demand and receive such sum or sums of money ^{Tolls.} for tolls, of persons and property, as they shall, from time to time, think reasonable; *Provide!*, That the toll on any spe- ^{Proviso.} cies of property, shall not exceed eight cents per ton per mile, nor upon passengers, more than four cents per mile.

SECTION 15. If any owner or driver of any car, carriage, wagon or conveyance on the said railroad, shall pass by any place appointed for receiving tolls, without making payment thereof, with intent to defraud the said company, he, she or they so offending, shall forfeit, and pay for every such offence ^{Penalty for defrauding the company.} for the use of said company, the sum of twenty dollars, to be sued for and recovered by action of debt, before any justice of the peace, in like manner, and subject to the same rules and regulations as debts under one hundred dollars may be sued for and recovered, together with costs of suit.

SECTION 16. Dividends of so much of the profits of the ^{Dividends.} company as shall appear advisable to the directors, shall be declared at least twice a year, and paid to the stockholders, or their legal representatives, on demand, at any time after the expiration of ten days therefrom, but they shall in no case exceed the amount of nett profits actually acquired by the company, so that the capital stock shall never be thereby impaired; and if the said directors shall make any dividends which shall impair the capital stock of the said company, those of them consenting thereto, shall be liable ^{Liability of directors.} in their individual capacities to the said company, for the amount of the stock so divided, and each director present when such dividend shall be made, shall be adjudged to be consenting thereto, unless he forthwith enter his protest on the minutes of the board, and give public notice thereof to the stockholders, at the declaring such dividend.

SECTION 17. No suit or action shall be brought or prosecuted by any person or persons, for any penalties incurred under this act, unless such suit or action shall be commenced ^{Time of bringing suit} within one year next after the offence shall have been committed, or the cause of action shall have accrued, and the

defendant or defendants in such suit or action, may plead the general issue, and give this act and the special matter in evidence, and that the same was done in pursuance and by authority of this act.

Penalty for
damage done
to the road,
&c.

SECTION 18. If any person or persons shall wilfully and knowingly break, injure or destroy the railroad, or any part thereof, or any work, edifice or device, or any part thereof, to be erected by the said company, in pursuance of this act, or shall in any manner obstruct the free passage along the said railroad, he, she or they, shall forfeit and pay to the said company three times the actual damage thereby sustained, to be sued for and recovered with costs of suit, in any court having cognizance thereof, by action of debt, in the name and for the use of the company.

Time of com-
mencing and
completing
the road.

SECTION 19. If the said company shall not commence the construction of the said railroad within the term of three, and complete the same within the term of ten years from the passage of this act, then this charter shall be null and void.

The number
of shares
may be in-
creased.

SECTION 20. If any increase of the capital stock be deemed necessary by the stockholders, to complete the said railroad, or to lay another track, it may be lawful for the said president, managers and company, at a stated or special meeting convened for the purpose, to increase the number of shares, so that they shall not in the whole exceed three thousand, and to receive and demand the monies for shares so subscribed in like manner, and under like penalties, as are herein before provided for the original subscription, or shall be provided for by their by-laws.

Reservation
of powers by
the legisla-
ture.

SECTION 21. If at any time the said company shall misuse or abuse any of the privileges hereby granted, the legislature may resume all and singular, the rights and privileges hereby granted to said company, and the legislature reserves the right to reduce and regulate the tolls hereby authorized.

Annual state-
ment to the
Auditor Gen-
eral.

SECTION 22. That the president or secretary of the said company shall annually, on the first Monday of December, transmit to the Auditor General a full statement, under oath, of the affairs of said company, and that the said company shall pay into the state treasury, for the use of the commonwealth, a tax of eight per centum on all dividends which may exceed six per centum on the capital stock actually paid in.

Tax.

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The fourteenth day of March, Anno Domini,
one thousand eight hundred and thirty-six.

JOS: RITNER.

No. 40.

An Act.

Regulating election districts, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the electors in the township of Harris in the county of Centre, shall hereafter hold their elections at the school house in the town of Springfield, generally called Boalsburg, ^{Harris township, in Centre county.}

SECTION 2. The general elections in Plunket township in Lycoming county, shall hereafter be held at the house now occupied by John Woodley, in the said township, and that the general elections of Elkland township, in the said county of Lycoming, shall, hereafter be held at the house now occupied by John Mullan, in said county. ^{Plunket and Elkland, in Lycoming county.}

SECTION 3. The township of Springfield in the county of Delaware, shall hereafter be a separate election district, and the electors thereof, shall hold their general elections at the public house of Morris W. Heston, in the said township, and so much of the thirtieth section of an act entitled "An act regulating election districts, passed the ninth April, A. D., one thousand eight hundred and thirty-three, as connects parts of the townships of Ridley and Nether Providence, with the said township of Springfield, in the formation of an election district, is hereby repealed, and the electors of the said townships of Ridley and Nether Providence, shall hold their general elections at the same place they were held previously to the passage of the said act. ^{Ridley and Nether Providence, in Delaware county.}

SECTION 4. The electors of Sugargrove township, in the county of Warren, shall, hereafter hold their general elections at the house now occupied by John J. Wilson, in said township. ^{Sugargrove, in Warren county.}

SECTION 5. The electors of East Vincent township, Chester county, composing the fifteenth election district, shall hereafter hold their general elections at the public house now kept by George Crisman, junior, on the ridge road, in said township. ^{East Vincent, in Chester county.}

SECTION 6. The township of West Hempfield, in the county of Lancaster, shall hereafter be an election district separate from the borough of Columbia, and shall hold their general elections at the public house now occupied by Jacob Gamber, in said township. ^{West Hempfield, in Lancaster county.}

Borough of
Kittanning,
Armstrong
county.

SECTION 7. The electors of the borough of Kittanning, in the county of Armstrong, shall hereafter, at the proper time and place, elect by ballot, one assessor, two assistant assessors, two overseers of the poor, and three auditors, and the commissioners of said county shall hereafter appoint a collector for the said borough, separate and distinct from the township of Kittanning, and the officers so elected and appointed, shall be subject to like duties and penalties, and receive the same compensation of township officers in the said county, in similar offices, and that all that portion of Kittanning township, including the borough of Kittanning, commencing where the western boundary of the Wallace surveys strike Mahoning creek, thence along the western boundary line of said surveys, and by a straight line to the new purchase line, and thence by a direct line to where the eastern boundary line of the "Manor Appleby" strikes Crooked creek, and thence down said creek, up the Allegheny river and Mahoning creek to the place of beginning, shall, together with parts of Buffalo and Sugar creek township, heretofore annexed, form an election district, and the electors therein, shall hold their general elections at the court house in said borough; and that part of Kittanning township lying north of the new purchase line, shall be a separate election district, and the electors within said bounds, shall hold their general elections at the house now occupied by William Oliver, to be called Cowanshanink district, and that the residue of the said township of Kittanning, lying south of the said new purchase line, shall be a separate election district, to be called Kittanning township district, and the electors therein shall hold their elections at the house now occupied by Henry King, in said township.

Buffalo, Sugar creek, & part of Kittanning townships.

Cowanshanink district.

Kittanning township district.

72d section of the act of April 15, 1835, repealed.

SECTION 8. That so much of the seventy-second section of an act entitled "An act establishing and altering certain election districts, and for other purposes," passed the fifteenth day of April, eighteen hundred and thirty-five, as relates to the citizens of Neshanock township, west of Shenango, holding their general elections where the elections are held in Mahoning township, be, and the same is hereby repealed, and they as heretofore, be part of the Newcastle district.

Newcastle district.

Lower St. Clair district

SECTION 9. That the electors of that part of St. Clair township, in the county of Allegheny, commonly known by the name of Obey's district, shall hereafter hold their township and general elections at the house of James Kerna, on the Washington and Pittsburg turnpike road, and the said district shall hereafter be called Lower St. Clair.

York county, North Codorus district.

SECTION 10. All that part of Codorus township, in the county of York, included in the following limits, shall hereafter be a separate election district, to be called North

Codorus district;" beginning at the western boundary line of said township, near and above the distillery of Mathias Meyer, thence in a direct line to the house of John Galentine, thence to the house of Daniel Henry, senior, and thence by a direct line to the eastern boundary of the township, including all the above mentioned places; and the electors residing therein, shall hold their general elections at the house now occupied by John Emig, in said township, and the supervisor of the district, shall hold the election for inspector at the place above designated, at the time, and in the manner now provided by law; *And provided,* ^{Proviso.} That at the time of holding the said inspector's election, there shall be no supervisor residing in the said northern district of Codorus township, then the qualified electors shall appoint a competent person to conduct said election.

SECTION 11. That from and after the passage of this act, it shall be lawful for the electors of Brighton township, in the county of Beaver, to elect one additional supervisor of the highways in said township. ^{Supervisor of Brighton township.}

SECTION 12. That the incorporated company of "Proprietors of Plymouth township," Luzerne county, shall hereafter hold their annual elections for officers of the said corporation, at the same time and place that township officers are elected in said township; and that so much of the act incorporating said company, as requires said corporation to elect their officers on the last Saturday in April, be, and the same is hereby repealed. ^{Proprietors of Plymouth township.}

SECTION 13. That from and after the passage of this act, it shall be lawful for the electors of South Whitehall township, in the county of Lehigh, to elect two additional supervisors of the highways in said township. ^{Supervisors, South Whitehall.}

SECTION 14. That it shall and may be lawful for the qualified electors in the second and third wards of Spring Garden district, county of Philadelphia, to change the place of holding their elections, to such other place as may be most convenient for them, in the same manner, and under the same regulations as now by law provided for such change in respect to the first and fourth wards of said district. ^{Spring Garden, Philadelphia county.}

SECTION 15. That the election for township officers in the township of Franklin, county of Bradford, be held on the third Friday in February in each year. ^{Bradford township.}

SECTION 16. That it shall and may be lawful for all persons entitled by law to vote for burgesses and other officers of the borough of Bridgewater, in the county of Beaver, at the same time and place where they vote for said officers, to elect two respectable citizens of the said borough, and return the names of the persons so elected to the next court of Quarter Sessions of the said county, one of whom shall be appointed constable of said borough, in the same manner, ^{Constable of Bridgewater, Beaver co.}

with like power and authority, and subject to the same regulations and penalties as are provided and contained in the laws now existing, or that may be hereafter passed, concerning constables within this commonwealth, and all manner of process which may by law be directed to the constable of said borough, whose duty it shall be to execute the same, according to law; and the constable so appointed shall do and perform the duties required to be done by the high constable of the said borough, in pursuance of law, and of the by-laws and ordinances of the said borough.

Haverford
district.

SECTION 17. The township of Haverford in the county of Delaware, shall hereafter form a separate election district, and the electors thereof, shall hold their general elections at the public house of David Lyons, in the said township.

Repeal of
Delaware &
Schuylkill
canal, &c.

SECTION 18. That the sixteenth section of the act entitled "An act to enable the Governor of this commonwealth to incorporate a company for opening a canal and lock navigation between the rivers Delaware and Schuylkill, through the southern section of Philadelphia county, be, and the same is hereby repealed.

Cumberland
Valley rail-
road comp'y.

SECTION 19. That so much of the fifteenth section of the act of second April, eighteen hundred and thirty-one, entitled an act to incorporate the Cumberland Valley railroad company, as provides for the assessment of damages done to the owners of land through which the road shall be located, shall be, and the same is hereby amended, so that upon an appeal now entered, or hereafter to be entered by either party, from the award of the reviewers appointed to assess the damages, or compensation for materials, the said company, their agents or contractors for making or repairing the said road, may immediately proceed to take said materials, or make the said road through the said lands, without awaiting the issue of proceedings, as therein prescribed, and without the tender or payment of the amount of the award, until the said appeal shall be determined; *Provided*, That upon an appeal by the said company, they shall give absolute bail for the amount of the award, to be paid, if ultimately recovered, by the land owner.

Damages.

Proviso.

Bounty for
foxes re-
pealed.

SECTION 20. That so much of an act of assembly, entitled an act relative to swine running at large in McKean county, and for other purposes, passed the twenty-first day of March, A. D. one thousand eight hundred and thirty-three, as in its effects, gives a bounty for the destruction of foxes in the county of Bradford, be, and the same is hereby repealed.

SECTION 21. That the limitation contained in the eleventh section of the act, passed the seventh day of March, eighteen hundred and thirty-five, entitled "A supplement to the act for

incorporating the Portsmouth and Lancaster railroad company," shall not prevent the said railroad company from occupying or purchasing any quantity of land, not exceeding four acres, at either end of said railroad, if the same shall be necessary.

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The seventeenth day of March, Anno Domini,
one thousand eight hundred and thirty-six.

JOS : RITNER.

No. 41.

An Act

To charter the Girard Life Insurance, Annuity and Trust Company of Philadelphia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Benjamin W. Richards, Timothy Abbott, Joseph Burden, Peter Hertzogg, Coleman Fisher, David Williamson, Adam Waldie, Frederick Brown, William P. Smith, Armon Davis, Thomas Ridgway, William Folwell, Brittain Cooper, John J. Smith, junior, William F. Van Amringe, William V. Pettit, James P. Smith, and all and every other person or persons, who shall hereafter become members of the Girard Life Insurance Annuity and Trust Company of Philadelphia, be and they are hereby created and made a corporation or body politic and corporate, by the name and style of "The Girard life insurance, annuity and trust company of Philadelphia;" and by that name shall have perpetual succession, and be capable by law to take, hold and dispose of estates, real and personal, whatsoever, and to sue and be sued, and to receive and make all deeds, transfers, contracts, covenants, and conveyances whatsoever, and to make, have, and use a common seal, and the same to

change and renew at pleasure, and generally to do every other act or thing necessary to carry into effect the provisions of this act and promote the objects and design of the said corporation.

Objects of the corporation.

SECTION 2. The objects of the said corporation shall be to make and effect insurances on lives, of whatsoever sort or nature, to contract for, grant and sell annuities and reversionary payments, to take, receive, and hold all estates and property, real and personal, which may be granted, committed, transferred or conveyed to them with their consent, upon any trust or trusts whatsoever, at any time or times, by any person or persons, body or bodies corporate, or by any court of the United States, or of the commonwealth of Pennsylvania, and to administer, fulfil and discharge the duties of such trusts; and to receive all sums of money which shall be deposited with the said corporation, on such terms of interest and repayment, as shall from time to time be agreed upon and prescribed by the board of managers of the said corporation, not exceeding the legal rate of interest:

Proviso, discounting prohibited.

Provided, That nothing herein contained shall be construed so as to enable the said association to invest any portion of its funds in the discount of promisory notes or bills of exchange.

Power of the Courts to appoint the company trustee, &c.

SECTION 3. In all cases when application shall be made to any court in the commonwealth of Pennsylvania, for the appointment of any trustees, or of receiver, or of assignees, or of guardian of any minor, or of committee of any lunatic, it shall be lawful for such court to appoint the said company, with their consent, to be such trustee, receiver, assignee, guardian of the estate of such minor, or committee of the estate of such lunatic; and in case of such appointment of said company, as trustee, receiver, assignee, guardian or committee, by any court, the said company shall not be required to give any security, but shall be responsible for the goodness of all investments which shall be made by them of the funds committed to their care, by such appointment; and the accounts of said company, as such trustee, receiver, assignee, guardian or committee, shall be regularly settled and adjusted, by the proper tribunals; and all proper, legal, usual and customary charges, costs and expenses, shall be allowed to the said company for the care and management of the funds and estates so committed to them.

Capital stock, from \$300,000 to \$500,000.

SECTION 4. For the security of persons contracting with, or entrusting moneys or estates to the said corporation, it shall be the duty of the said company, from and after the passing of this act, to raise and form a capital stock for the said corporation, of not less than three hundred thousand dollars, nor more than five hundred thousand dollars, in

shares of twenty-five dollars each, which shares shall be Price of each
transferrable on the books of the said corporation, in such share, \$25.
manner as may be designated by the by-laws thereof; and
within two year from the passage of this law, to call in, and
cause to be paid, the whole of the capital hereby authorized.

SECTION 5. From and after the raising and formation of a
capital stock, as provided for in the next preceding section, the None but
holders of the stock of the said company for the time being, and stockholders
no other person or persons, shall be members thereof; every to be mem-
person named in the first section of this act shall take at bers of the
least one share of the said capital stock, and every member company.
of the said company, who shall at any time cease to be the
holder of at least one share of the stock thereof, shall thereby
cease to be a member thereof.

SECTION 6. The fourteen persons first named in the first 14 Managers
section of this act, shall be managers of the said corporation
until the first Monday of May next, on which day, and annu- Annual elec-
ally thereafter, a general meeting of the members of the said tion.
corporation shall be held at the office or place of business
thereof, for the purpose of choosing, by a majority of votes,
fourteen members, to be managers of the said corporation for
the term of twelve months thereafter, and until a new elec-
tion shall take place, and the five persons last named in this
act, shall be judges of the first election of managers, and the Judges of
judges of all subsequent elections, shall be appointed in such election.
manner as shall be provided for by the by-laws.

SECTION 7. The votes of members for managers shall be by Number of
ballot, and for the election of managers, and for deciding all votes regu-
questions in a general meeting of the members, each member lated.
shall be entitled to one vote for each share held by him, not
exceeding five; one vote for every five shares so held beyond
five, and not exceeding fifty shares; one vote for every ten
shares so held beyond fifty, and not exceeding one hundred
shares; and one vote for every twenty shares so held beyond
one hundred shares; but no member shall be entitled to vote
at any election for managers, (except the first election herein
before provided for,) unless the share or shares upon which
he or she may claim to vote, shall have been standing in his
or her name, in the books of the said corporation, for at least
three months previous to the election at which he or she
may claim to vote.

SECTION 8. The managers for the time being, or a majority
of them, shall have power to elect a president of the said President.
corporation from their own body, to appoint such officers Officers and
and agents as they shall deem necessary to conduct the busi- agents.
ness and affairs of the company, to fix their compensation, Compensa-
and at their discretion to dismiss them; to make all contracts tion.
within the scope of the objects of the said corporation, to
provide for the investment of the funds thereof, for paying

By-laws. all necessary expenses, and conducting the affairs of the said corporation ; and generally, to make all by-laws which shall be necessary or convenient for the exercise of the powers vested in the said corporation by this charter, and such by-laws, from time to time, to alter and repeal; *Provided*, That such by-laws shall not be contrary to the laws of this commonwealth, or of the United States.

Banking prohibited. SECTION 9. This corporation shall issue no notes or bills of credit, or promisory notes, in the nature of bank notes, or exercise any banking privileges whatever.

Investigation of the affairs of the company. SECTION 10. Whenever any court shall appoint the said company a trustee, receiver, assignee, guardian or committee of any lunatic, or deposit with said company any monies, such court may, from time to time, appoint a suitable person to investigate the affairs and management of said company, who shall report to such court the manner in which its investments are made, his opinion of the ability and integrity with which the affairs of the company are conducted, of the prudence and safety of its investments, and the security afforded to those by whom its engagements are held, the expense of every investigation so made, shall be defrayed by the said company.

Power to repeal reserved. SECTION 11. The legislature shall have power, at any time when the privileges hereby granted shall appear injurious to the public, to repeal, alter or amend this act, but no such repeal, alteration or amendment, shall effect any engagement to which the said corporation shall have become a party previous thereto; and in case of such repeal, the said corporation shall have a reasonable time to bring their accounts to a final settlement and termination.

NER MIDDLESWARTH,

Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM.

Speaker of the Senate.

APPROVED—The seventeenth day of March, A. D. eighteen hundred and thirty-six,

JOS : RITNER.

No. 42.

An Act

Authorizing the Governor to incorporate the Warren and Franklin Turnpike Road Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That for the purpose of making a turnpike road from the borough of Warren, in Warren county, to Franklin, in Venango county, Robert Falconer, William A. Irvine, Grey C. Irvine, Archibald Tanner, John King, William Commission-Siggins, and Joseph M. Gee, of Warren county, and Alexander ers appointed M. Calmont, John W. Howe, James Kinnear, James Thompson, and John Gabraith and Arnold Plummer, of Venango county, Henry Sergeant, and Thomas Martin, of Warren county, be, and they are hereby appointed commissioners, to do and perform the duties hereinafter mentioned; that is to say, they shall procure books, and enter therein as follows: **Manner and form of taking subscriptions for stock.**

“We, whose names are hereunto subscribed, do promise to pay the president and managers of the Warren and Venango turnpike road company, the sum of twenty-five dollars for every share by us subscribed, in such manner and proportions, and at such times and places, as shall be determined on by the said president and managers, in pursuance of an act entitled ‘An act authorizing the Governor to incorporate the Warren and Franklin turnpike road company.’ Witness our hands, the day of Anno Domini, one thousand eight hundred and .” **Price of shares, 25 dollars each.**

And shall give at least thirty days notice, in at least one newspaper published in the county of Warren, and one in the county of Venango, of the time and places when and where the said books shall be open to receive subscriptions of stock of the said company, at which time and place, some one or more of the said commissioners shall attend and receive subscriptions from all persons of lawful age, who shall offer to subscribe in said book, which shall be kept open for the purpose aforesaid, at least six hours in each juridical day, for the space of six days, or until the books shall have subscribed therein eight hundred shares; and the said commissioners may adjourn from time to time, and transfer the books from place to place, until the whole number of shares aforesaid shall be subscribed, of which adjournment and transfer, the said commissioners shall give such notice as the occasion may require. **Who may subscribe.**

Provided always, That every person offering to subscribe in said books, in his own or any other name, shall previously **Whole number of shares 800.**

Proviso.

One dollar to pay to the attending commissioner or commissioners, the sum of one dollar for every share to be subscribed, out of which shall be defrayed such incidental charges and expenses as may be necessary for taking such subscriptions, and the remainder shall be paid over to the treasurer of the corporation, as soon as the same shall be organized, and the officers chosen, as hereinafter mentioned.

Letters patent.

Style & title.

Capital stock may be enlarged.

Powers.

Notice.

Company to be organized, and how.

President & managers, &c.

Vacancies.

SECTION 2. When twenty or more persons shall have subscribed one hundred or more shares, and the said commissioners, or a majority of them, shall have certified, under their hands and seals, to the Governor, the names of the subscribers, and the number of shares subscribed by each, it may be lawful for the Governor, by letters patent, under his hand and seal of the state, to create and erect the subscribers, and also all those who may afterwards subscribe, into one body politic and corporate, in deed and in law, by the name, style and title of "Warren and Franklin turnpike road company;" and by the said name the subscribers shall have perpetual succession, and the privileges and franchises incident to a corporation, and shall be capable of taking and holding their said capital stock, and the increase and profits thereof, and enlarging the same from time to time by new subscriptions, in such manner and form as they shall think proper, if such enlargement shall be found necessary to fulfil the intention of this act; and of purchasing, taking and holding, to them and their successors and assigns, and of settling, transferring and conveying, in fee simple, or for any less estate, all such lands, tenements, hereditaments and estates, real and personal, as shall be necessary to them in the prosecution of their work, and of suing and being sued, and of doing all and every other matter and thing which a corporation or body politic may lawfully do.

SECTION 3. That the stockholders or any two of them, named in the letters patent, shall, as soon as conveniently may be after the issuing of the same, give notice in at least one of the newspapers published in the county of Warren, and one in the county of Venango, of a time and place, to be by them appointed, not less than twenty days from the time of the first notice, at which time and place, the said subscribers, or as many of them as may be then present, shall proceed to organize the said company, and shall choose by a majority of the said subscribers, by ballot, either in person or by proxy, duly authorized, one president, six managers, one treasurer, and such other officers as may be necessary to conduct the business of said company for one year, and from thence until the next annual election, and until such other officers shall be chosen and organized, agreeably to the provisions of this act; and in case of the death, removal of resignation of any president or manager, the board of mana-

gers may and shall choose another to supply the vacancy, until the next said annual election of said company; they Seal. may make and have one common seal, and the same may break, alter and renew at their pleasure, and may make such by-laws, rules, orders and regulations, not inconsistent with the constitution and laws of this state. as shall be necessary for the well ordering of the affairs of the corporation; *Pro-Provido.* *vided,* That each subscriber shall be entitled to one vote for Votes. every share of stock by him or her held; *And provided also, 2d Proviso.* That no stockholder, whether original subscriber or assignee, shall be entitled to vote at any election or meeting of said company, unless the whole sum due and payable on the share or shares by him or her held at the time of such election or meeting, shall have been fully paid and discharged.

SECTION 4. That if any treasurer, elected by virtue of Treasurer. this act, shall die, resign or refuse to act, or neglect to give such security for the faithful discharge of the duties of his office, as the board of managers may direct and require, or having given the security required, shall neglect or refuse to take upon him and perform all the duties of said office, it shall be the duty of the said managers for the time being, to appoint some suitable person treasurer, which person so appointed, shall hold the office to which he shall have been appointed, until the next election by the stockholders, on his giving the requisite security, and until a successor shall be duly elected and give the security required.

SECTION 5. That the stockholders shall meet on the first Annual elec- Monday in March in each succeeding year, at such place as tion. shall be fixed by the by-laws of said company, for the purpose of choosing, in manner aforesaid, such officers as aforesaid, for the year ensuing the terms of service of those previously elected.

SECTION 6. The said president and managers shall make Certificates. out certificates of stock, signed by the president and countersigned by the treasurer, and sealed with their corporate seal, and deliver one such certificate to each subscriber for any share or number of shares by him or her held, on his or her paying to the treasurer on each share so held, the sum of five dollars, which certificates shall be transferrable, in per- Transfers. son or by attorney, on the books of the said company, only subject to the sum due or to become due on the shares so transferred.

SECTION 7. It shall and may be lawful for the said presi- Authority to dent and managers, their superintendents, surveyors, engi- enter upon neers, artists and chain bearers, to enter in and upon all and lands for ma- every, the lands, tenements and enclosures, in, through and torials, &c. over which the said intended turnpike road may be thought proper to pass, and for that purpose to examine ground, and the quarries of stone and gravel, and other materials that

Location.

may be necessary in making and constructing the said road, and to survey, lay down, ascertain, mark and fix such route for said road, as in the best of their judgment and skill will combine shortness of distance with the most eligible ground within the point aforesaid.

Quorum.**Minutes.****Powers.**

SECTION 8. The said president and managers, five of whom shall for all purposes be a quorum, shall keep minutes of all their proceedings, fairly entered in a book, to be kept for that purpose, and shall have full power and authority to appoint, agree or contract with such engineers, superintendents, artists, laborers and other persons, as they may think necessary, to make and construct said road, and collect the tolls hereinafter authorized, and to fix their compensation, to ascertain the times, manner and proportions in which the stockholders shall pay the amount of their respective shares, in order to carry on the work, to draw orders on the treasurer for all debts contracted by them, which orders shall be signed by the president, or in his absence, by a quorum of the managers, and attested by their secretary, and to do and transact all other acts, matters and things as by the by-laws, orders and regulations of the said company shall entrust to them.

Payment of debts.**Notice.**

Penalty for delay of payment, 2 per cent. per month.

Forfeiture.

SECTION 9. If any stockholder, whether original subscriber or assignee, after thirty days notice in two newspapers printed in the county of Warren and Venango, of the time and place appointed for the payment of any instalment or proportion of the capital stock, shall neglect to pay such proportion at the place appointed, for the space of sixty days after the time appointed for the payment thereof, every such stockholder shall, in addition to the instalment so called for, pay at the rate of two per centum per month for every delay of such payment; and if the same and additional penalty shall become equal to the sums before paid in part, on account of such share, the same may be forfeited by and to the said company, and be sold by them for such price as can be obtained therefor; or in default of payment of any stockholder of any such instalments as aforesaid, for the space of sixty days as aforesaid, the president and managers may, at their election, cause suit to be brought, in the same manner as debts of like amount are now recoverable, for the recovery of the same, together with the penalty aforesaid.

SECTION 10. It may be lawful for the said president and managers, by and with their superintendents, engineers, artists, workmen and laborers, their tools and instruments, carts, wagons and other carriages, and beasts of draught or burden, to enter in and upon the lands contiguous, and near to which the said road shall be made or constructed, first giving notice of their intention to the occupiers thereof, and doing as little damage thereto as possible, and making

amends for damages, upon reasonable and equitable agree- Mode of as-
ment by the parties, or if they cannot agree thereupon, a just certaining
and equitable assessment to be made upon oath or affirma-damages,
tion, by three disinterested freeholders, or any two of them,
to be mutually chosen, or if either party upon due notice
shall neglect or refuse to join in the choice, then to be cho-
sen by a justice of the peace of the county of Warren or
Venango, who shall not be interested therein, and upon the
tender of the assessed value, to dig, take and carry away
any timber, stone, sand, earth or other materials necessary
or suitable for the making said road.

SECTION 11. The said president and managers shall keep Accounts to
fair and just accounts, as well of all moneys received by be kept and
them, as of those laid out and expended in the prosecution submitted to
of said work, and shall, at least once in every year, submit the stock-
holders.
their books and accounts to a general meeting of the stock-
holders, and whenever it shall be ascertained that the capi-
tal stock of said company is not sufficient to complete the
said road, according to the true intent and meaning of this
act, it shall and may be lawful for the president and mana-
gers, at a stated meeting, convened according to the provisions
of this act, or their own by-laws, to increase the number of Number of
shares to such extent as they shall deem sufficient to accom- shares may
plish the work, and to demand and receive the moneys be increased.
subscribed for such additional shares, in like manner and
under like penalties as are provided by this act in the case
of the original subscription.

SECTION 12. The said president and managers, shall have
power to erect good and sufficient bridges over all the Bridges.
streams of water crossed by said road, and shall cause a
road to be laid out, not exceeding fifty feet in width, and Dimensions
shall cause at least twenty feet of said width to be made an of road.
artificial road, and in no place in said road shall there be an
elevation of more than five degrees from a horizontal line,
and shall forever thereafter, maintain and keep the same in
good order and repair.

SECTION 13. That whenever, and so often as the said
company shall have finished five miles or more of said road,
the president thereof may give notice to the Governor, who
shall thereupon forthwith appoint three skilful, judicious, and When view-
disinterested persons to view and examine the same, and ers shall be
report on oath or affirmation to him, whether the road is so appointed.
far executed in a competent and workmanlike manner, ac-
cording to the true intent and meaning of this act; and if
their report shall be in the affirmative, then the Governor
shall by license, under his hand and seal of the state, per-License.
mit and suffer said company to erect and fix such and so
many gates or turnpikes on and across the said road, as will
be necessary and sufficient to collect from all persons travel-

ing the same otherwise than on foot, the same tolls which
Proviso rela- are hereinafter authorized and granted. *Provided,* That all
tive to tolls. persons attending funerals, military parades or trainings, or
 divine worship on the Sabbath day, shall at all times be ex-
 empted from the payment of any tolls on said road.

Fines and
penalties.

SECTION 14. For collecting and receiving tolls, and for
 every attempt to evade the payment thereof, for every ne-
 glect to keep the said road in good repair, for the increase,
 diminution, and application of tolls, the erection of index
 posts, and for injuring and defacing the same, for the regula-
 tion of the traveling on the said road, and for limitations of
 actions, and for the recovery and application of fines and
 penalties for offences against this act, the said company
 shall have all the powers, authorities, rights, and privileges,
 and be subject to all the penalties which are given and
 granted to the president, managers and company of the
 Greensburg and Pittsburg turnpike road, in and by an act of
 assembly of this commonwealth, passed the ninth day of
 March, Anno Domini, one thousand eight hundred and four-
 teen.

Commission-
ers of War-
ren and Ve-
nango to
subscribe.

SECTION 15. That the commissioners of Warren and Ve-
 nango counties, are hereby respectively authorized to sub-
 scribe to the stock of said turnpike road company, a sum
 not exceeding five thousand dollars each, in shares of twen-
 ty-five dollars, and to draw their warrants on the treasurers
 of their respective counties, for the sum or sums so sub-
 scribed.

Time of com-
mencing and
completing
the road.

SECTION 16. That if the said company do not commence
 making the said road within two years after the passing of
 this act, and complete the same within five years thereafter,
 then this act shall be void.

NER MIDDLESWARTH,
 Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
 Speaker of the Senate.

APPROVED—The seventeenth day of March, Anno Do-
 mini, one thousand eight hundred and thirty-six.

JOS: RITNER.

No. 43.

An Act

To incorporate the Plymouth Rail Road Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Samuel Maulsby, Dr. Joseph Leedom, Thomas Livesey, Josiah Albertson, John Davis, Harman Yerkes, Commissioners, Jacob Albertson, Aaron Lukens, John Friedley, Alan W. Corson, Benjamin Albertson, and Daniel H. Mulvany, of the county of Montgomery, and Thomas S. Smith, of the city of Philadelphia, or any two of them, be, and they are hereby appointed commissioners, to do and perform the several things hereinafter mentioned; that is to say, they shall, on or before the first day of August next, procure three books, one of which shall be opened at the Exchange in the city of Philadelphia, and one at the public house of Walter W. Paxson, in the borough of Norristown, and one at the public house of Benjamin Rezzner, in the township of Plymouth, in each of which they shall enter as follows: “We, whose names are hereunto subscribed, do promise to pay to the president and managers of the Plymouth railroad company, the sum of fifty dollars for every share of stock set opposite our respective names, in such manner and proportion, and at such times as shall be determined by the president and managers of said company, in pursuance of an act of the General Assembly of this commonwealth, entitled ‘An act to authorize the Governor to incorporate the Plymouth railroad company.’” Witness our hands, the day of one thousand eight hundred and thirty- .”

And shall thereupon give notice in one newspaper printed in the county of Montgomery, and one newspaper printed in the city of Philadelphia, two weeks at least, of the time and places when and where the said books shall be kept open to receive subscriptions for the stock of said company, at which respective times and places, one or more of the commissioners shall attend, and permit all persons of lawful age who shall offer to subscribe in the said books, in their own names, or in the names of any other persons who shall authorize the same, for shares in the said stock; and the said books shall be kept open respectively for said purpose, at least six hours in every juridical day, for the space of three days, or until there shall have been subscribed six hundred shares; and if, at the expiration of three days, the books aforesaid shall not have the number of shares aforesaid therein sub-

Where books shall be opened.

Form of subscription.

Six hundred shares.

- scribed, the said commissioners may adjourn from time to time, and transfer the book or books elsewhere, until the whole number of six hundred shares shall be subscribed, of which adjournment and transfer, the commissioners aforesaid shall give such public notice as the occasion may require; and when the whole number of shares shall be subscribed, then the books shall be closed: *Provided*, That no person be permitted to subscribe for more than twenty shares the first day, after which any person may subscribe for any number of shares, until the whole stock shall be taken:
- Proviso.**
- 2nd Proviso.** *And provided also*, That no subscription shall be valid, unless the person so subscribing shall pay to the said commissioners, at the time of making the same, the sum of five dollars on each and every share, for the use of the company.
- When charter may issue.** **SECTION 2.** When three hundred or more shares of said stock shall be subscribed, and the sum of five dollars paid on each and every share, as aforesaid, the commissioners, or any five of them, shall certify to the Governor, under oath or affirmation, the names of the subscribers, and the number of shares subscribed by each, and the sum of five dollars paid on each share at the time of subscribing, whereupon the Governor shall, by letters patent, under his hand and seal of the commonwealth, erect and create the subscribers, and if the subscription be not full at the time, then also those who shall subscribe thereafter to the number of shares aforesaid, into a body politic and corporate, in deed and in law,
- Style & title.** by the name, style, and title of "The Plymouth Railroad Company;" and by the same name the subscribers shall have
- Privileges & liabilities.** perpetual succession, with all the privileges, franchises and immunities incident to a corporation, and be able to sue and be sued, implead and be impleaded, in all courts of record, and elsewhere, and to purchase, receive, have, hold, and enjoy to them and their successors, lands, tenements, and hereditaments, goods, chattels, and all estate, real, personal, and mixed, of what kind or quality soever; and the same from time to time to sell, exchange, mortgage, grant, alien, or otherwise dispose of, and to make dividends of such portions of the property as they may deem proper; and also to make and have a common seal, and the same to alter and renew at pleasure; and also to ordain, establish, and put in execution such by-laws, ordinances and regulations, as shall appear necessary and convenient for the government of said corporation, not being contrary to the constitution and laws of the United States and this commonwealth, and to own and place locomotive engines and cars on the said railroad, and transport persons, minerals, produce, and merchandise, and other articles, at and for such prices or compensation, as shall be agreed upon by the said company, and such per-
- Seal.**

sons, and the owners or such persons having in charge such minerals, produce, merchandise, and other articles, and generally to do all and singular, the matters and things which to them it shall lawfully appertain to do, for the well being of the said corporation, and the due management and ordering the affairs of the same: *Provided*, That nothing Proviso. herein contained shall be considered as in any way giving to the said corporation any banking privileges whatsoever.

SECTION 3. The said commissioners, or any six of them, shall, as soon as conveniently may be after the said letter patent shall be obtained, give at least twenty days' notice in the newspapers herein before mentioned, of the time and place by them appointed for the subscribers to meet, in order to organize the said company, to choose by a majority Election of managers. of the votes of the said subscribers, by ballot, to be given in person or by proxy, which proxy shall have been obtained and been dated within three months previously to the election at which such proxy shall be presented, duly authorized, six managers, all of whom shall be residents of this 6 Managers. commonwealth; and the said managers, together with the Managers president elected as is hereinafter prescribed, shall conduct and president the business of said company, until the second Monday in to conduct December then next, and until like officers shall be chosen, business. and make such by-laws, rules, orders, and regulations, as are not inconsistent with the constitution and laws of the United States, or of this state, as may be necessary for the well governing the affairs of the said company: *Provided*, Proviso. That no person but a stockholder shall be eligible to the office of president or manager.

SECTION 4. The stockholders shall meet on the second Monday of December in every year, at such places as may be fixed upon by the by-laws, of which notice shall be given, at least twenty days previous, in the newspapers before mentioned, and choose, by a majority of the votes present, Election of managers. six managers for the ensuing year, as mentioned in the third section of this act, who shall continue in office for one year, and until others are chosen, at which annual meeting they shall have full power and authority to make, alter or repeal, by a majority of the votes, in the manner aforesaid, all such by-laws, rules, orders and regulations, as aforesaid, and to do and perform every other corporate act; and the number Ratio of of votes to which each stockholder shall be entitled, shall be votes. according to the number of shares he or she shall hold, but no share shall confer a right of suffrage, which shall not have been holden three calendar months prior to the day of election, nor unless it be holden by the person in whose name it appears, absolutely and bona fide in his own right, or in that of his wife, or for his or her sole use and benefit, or as executor, administrator, trustee or guardian, or in the right,

Proviso.

2d Proviso.

Manner of
conducting
elections.

Neglect not
to dissolve.

Vacancies,
how filled.

Meetings of
managers.

Four a quo-
rum.

Record of
proceedings.

or for the use and benefit of some co-partnership, corporation, or society of which he or she may be a member, and not in trust for and to the use and benefit of any other person. *Provided*, That no shares held by transfer, shall be entitled to vote, unless the same shall have been transferred at least these months before the election, and all votes by proxies shall be on such terms and conditions as are prescribed by the act passed the twenty-eight day of March, one thousand eight hundred and twenty, entitled "An act regulating proxies." *And provided also*, That no share shall be entitled to vote at any election, or at any general or special meeting of the said company, on which any instalment or arrearage may have been due and payable more than thirty days previously to said election or meeting.

SECTION 5. The election of managers provided for in the third section of this act, shall be conducted as follows: that is to say, the managers for the time being, shall appoint two of the stockholders, not being managers, to be judges of the said election, and conduct the same, after having severally taken and subscribed an oath or affirmation, before an alderman or justice of the peace, well and truly, and according to law, to conduct such election fairly, to the best of their knowledge and abilities; and the said judges shall decide upon the qualification of voters, and declare who has been elected; and if it shall at any time happen, that an election of managers shall not be made, the corporation for that cause shall not be dissolved, but it shall be lawful to make and hold such election of managers, on any day thereafter, by giving at least ten days notice, signed by the president and secretary, in the newspapers before mentioned, of the time and place of holding said election, and the managers of the preceding year shall in that case continue to act, and be invested with all the powers belonging to their situation, until an election shall take place: in case of the death, resignation, removal from the state, or ceasing to be a stockholder, of any manager, his place may be filled by the board of managers until the next annual election, and the said managers shall have power and authority annually, within three months after the annual election of managers, as prescribed by the fourth section of this act; and whenever a vacancy shall happen, or at any other time, to elect a president, treasurer and secretary, who shall serve until others are elected.

SECTION 6. The president and managers shall meet at such times and places as shall be found most convenient for the transacting of their business, and when met, four shall be a quorum, who, in the absence of the president, may choose a chairman, and shall keep minutes of their transactions, fairly entered in a book, and a quorum being formed, they shall have full power and authority to appoint all such

surveyors, engineers, superintendents and other artists and Powers, du-
 officers, as they shall deem necessary to carry on the intend- ties, &c.
 ed work, and to fix their salaries and wages, to ascertain
 the times, manner and proportions in which the said stock-
 holders shall pay the monies due on their respective shares,
 to draw orders on the treasurer for monies, which orders Orders on
 shall be signed by the president, or in his absence, by a ma-treasurer.
 jority of the managers, and countersigned by the secretary,
 and generally, to do all such other acts, matters and things
 as by this act, and by the by-laws and regulations of the
 company, they are authorized to do.

SECTION 7. The president and managers first chosen, shall Certificates
 procure certificates or evidence of stock for all the shares of of stock.
 the said company, and shall deliver one such certificate,
 signed by the president, and countersigned by the treasurer,
 and sealed with the common seal of the said corporation, to
 each person for such share or shares by him subscribed and
 held, which certificate or evidence of stock, shall be trans- Transfer-
 ferable at his pleasure, in person or by attorney, duly rable, how.
 authorized, in the presence of the president or treasurer, one
 of whom shall keep a book for that purpose, subject however,
 to all payments due, or to become due thereon, and the
 assignee holding any certificate, having first caused the as-
 signment to be entered in a book of the company, to be kept
 for the transfer of stock, shall be a member of the said cor-
 poration, and for every certificate assigned to him as aforesaid, Rights of an
 shall be entitled to a share or shares, as is therein mentioned, assignee.
 of the capital stocks, of all the estates and emoluments of
 the company incident for such share or shares, and to vote
 as aforesaid, at the meetings thereof, and subject to all pen-
 alties and forfeitures, and of being sued for all the balance and
 penalty due or to become due on each share, as the original
 subscriber would have done.

SECTION 8. If after thirty days notice in the public papers
 aforesaid, of the time and place appointed for the payment
 of any proportion or instalment of the said capital stock, in
 order to carry on the work, any stockholder shall neglect
 to pay such proportion or instalment, at the place appointed, Penalty on-
 for the space of thirty days after the time so appointed, delay in pay
 every such stockholder or his assignees, shall, in addition to ing instal-
 the instalment so called for, pay at the rate of two per centum ments.
 per month for the delay of such payment, and if the same
 and additional penalty shall remain unpaid for such space
 of time as that the accumulated penalty shall become equal
 to the sums before paid in part and account of such shares,
 the same shall be forfeited to the said company, and may be To amount
 sold to any person or persons willing to purchase, for such a forfeiture.
 price as can be obtained for the same; or in default of pay-
 ment by any stockholder of any such instalment as afore-

said, the president and managers may at their election, cause suit to be brought, before an alderman or justice of the peace or in any court having competent jurisdiction, for the recovery of the same, together with the penalty aforesaid.

Bond of treasurer and other officers. SECTION 9. The president and managers of said company shall demand and require of and from the treasurer, and all other officers, and every other, the officers and other persons by them employed, bond in sufficient penalties, and with such securities as they shall by their rules, orders and regulations require for the faithful discharge of the several duties and trusts to them or any of them respectively committed.

Declaration of dividends. SECTION 10. Dividends of so much of the profits of the institution as shall appear advisable to the managers, shall be declared at least twice a year in every year, and paid to the stockholders on demand, at any time after the expiration of ten days therefrom, but they shall in no case exceed the amount of nett profits actually acquired by the company, so that the capital stock shall never be thereby impaired: if the said managers shall make any dividend which shall impair the capital stock of said institution, the managers consenting thereto, shall be liable in their individual capacities to the said company, for the amount of stock so divided, and each manager present when such dividend is made, shall be adjudged to be consenting thereto, unless he forthwith enter his protest on the minutes of the board, and give public notice to the stockholders at the declaring of such dividend. *Provided*, That whenever the dividend shall exceed six per cent. per annum, the said company shall pay a tax of eight per cent. on all such dividends above six per cent. into the treasury of this state, for the use of the commonwealth.

Location of road. SECTION 11. The president and managers of the said railroad company, shall have power to survey, lay down, and ascertain, mark and fix such route as they shall deem expedient for a railroad, with as many sets of tracks as they may deem necessary, beginning at some point in the lands of Samuel Maulsby, in the township of Whitemarsh in said county of Montgomery, near the road dividing the township of Plymouth and Whitemarsh, east of the said road, and terminating at some suitable point of the Philadelphia, Norristown and Germantown railroad, between Matson's ford and Wagers's-ford, on the river Schuylkill, in said township of Plymouth, and county aforesaid: *Provided*, That said railroad, except in deep cuts and fillings, or at points selected for depots or engine or water stations, shall not exceed four rods in width, and it shall not pass through any burying ground or place of public worship, or any dwelling house, without the consent of the owner thereof: *And provided also*, That the said company shall have power, and they are hereby authorized to construct, continue and extend the line of the

Commencement.

Termination.

Proviso.

Width.

2d Proviso.

said railroad, from the said lands of said Samuel Maulsby, May extend to such point as shall appear most expedient and proper to road not exceeding four miles in length, upon the same conditions, and under the same restrictions as are in this act prescribed with respect to the main line of said road.

SECTION 12. The said president and managers shall have Right of power and authority, by themselves or their superintendents, entry upon engineers, artists and workmen, to enter in and upon, and lands. occupy all land on which the said railroad or its depots and warehouses may be located, or which may be necessary for the erection of its engine and water stations, weigh scales, or any other purpose necessary or useful in the construction or repairs of the said railroad, and therein to dig and embank, make and construct the same, and the said company shall pay or satisfy the owner or owners of the ground so taken and occupied as aforesaid, but if the parties cannot agree upon the compensation to be made to such owner or owners, it shall and may be lawful for the parties to appoint five suitable, judicious and disinterested persons of the county of Montgomery, who shall be under oath or affirmation, and Made of as- who shall reside within the county of Montgomery, and if certaining they cannot agree upon such persons, then either of the par-damages. ties, after giving twenty days notice to the other, may apply to the court of Common Pleas of the said county, and the court shall award a *venire*, directed to the sheriff, to summon a jury of judicious and disinterested persons from the said Appointment county, in order to ascertain and report to the said court what of viewers. damages, if any, have been sustained by the owner or owners of said ground, by reason of the construction of said railroad through the same, which said jury of valuers, being duly Their oaths sworn or affirmed, and having viewed the premises, shall and duties. proceed to estimate the quality and quantity of the land occupied by the said railroad, and all other inconveniences which may be likely to result therefrom to the said land, and under the influence of these considerations, and a just regard to the advantages which may seem likely to result to the owner or owners of the said land, from the opening of the said railroad through the same, to make their assessments and report to the court, which report being confirmed by the Report and said court, judgment shall be entered thereon, and execution Confirmation may issue in case of non payment, for the sum awarded, and the expenses incurred by the appraisers or jury, shall be defrayed by said railroad company: *Provided*, That either par- Proviso. ty may appeal to the court within thirty days after such Appeal with- report may have been filed in the prothonotary's office of the in thirty said county, in the same manner as appeals are allowed in days. other cases: *And provided also*, That if any person or per- 2d Proviso. sons owning land or any other property, which shall be

Cases where owners are feme covert, non compos mentis, etc. affected by this act. be feme coverts, under age, non compos mentis, or out of the state, then, and in either of the cases, the president and managers of the company, and at the request of the stockholders, and charges of the said corporation, shall, within one month after the construction of the railroad through the said county, represent the same to the court of Common Pleas of the county, as the case may be, who shall proceed thereon in the same manner and to the same effect as directed by act in other cases.

Company to enter upon lands for materials. **SECTION 13.** The president, managers and company of the said railroad company, and their agents, and all persons employed by or under them, for the purposes contemplated in this act, to enter upon any land which they shall deem necessary for laying out said road, and also for the purpose of searching for stone, sand or gravel, or wood for constructing the said road, but no stone, sand, gravel or wood shall be taken away from any land, without the consent of the owner thereof, until compensation for the same be ascertained and paid, which compensation, if the parties cannot agree thereon, shall be ascertained in the manner hereinbefore prescribed. **Compensation—how ascertained and paid.** as to the compensation for lands over which the said road may be laid.

Causeways for public roads. **SECTION 14.** The said railroad shall be so constructed as not to impede or obstruct the free use or passage of any public road or roads, which may cross or enter the same; and in cases where the said railway may cross, or in any manner interfere with any existing public road, canal or slack water navigation, the said company shall make, or cause to be made, as soon as conveniently may be, a good and sufficient causeway or causeways, to enable all persons passing or traveling such public roads, canal or slackwater navigation to cross and pass over such railroad, and if the company shall neglect or refuse to keep such way or causeway in good repair, they shall be liable for a penalty of ten dollars for every day the same shall be so neglected, or refused to be repaired, to be recovered by the supervisor of the township, with costs, for the use of the township, as debts of like amount are by law recoverable, and shall moreover be liable to all actions, at the suit of any person who may be aggrieved thereby.

How recovered and appropriated. **SECTION 15.** For the accommodation of all persons owning or possessing land through which the said railroad may pass, it shall be the duty of the said company to make or cause to be made, a good and sufficient causeway or causeways wherever the same may be necessary, to enable the owners or occupants of said land to cross or pass over the same with wagons, carts and implements of husbandry, as occasion may require, and the said causeway or causeways, when so made, shall be maintained and kept in good repair by said company.

Causeways for landholders.

If the said company shall neglect and refuse, on request, Penalty on
 make such causeway or causeways, or when made, to keep neglect.
 same in good order. the said company shall be liable to
 any person aggrieved thereby, all damages sustained by
 person in consequence of such neglect or refusal, to be
 and recovered before any magistrate or court having
 cognizance thereof: *Provided*, That the said company shall *Proviso.*
 in case be required to make or cause to be made, more
 one causeway through each plantation or lot of land, When they
 the accommodation of any one person owning or possess- may be dis-
 land through which the said railroad may pass, and pensed with.
 ere any public road shall cross such railroad, the person
 ing or possessing land through which the said public
 shall pass, shall not be entitled to require the company
 erect or keep in repair, any causeway or bridge for the
 accommodation of the occupant of said land: *Provided fur-*
 r, That this act shall not be so construed as to prevent own-
 of lands through whose property the said railroad passes,
 in constructing a causeway or crossing place over said
 road, but the same to be such as are usually made by the
 said company.

SECTION 16. No suit or action shall be prosecuted by any Suits for pen-
 person or persons, for any penalties incurred under this act, alties must
 less such suit or action shall be commenced within six le commen-
 months next after the offence committed, or the cause of ced within
 tion accrued, and the defendants in any suit or action twelve
 months from
 shall plead the general issue, and give this act and the special cause of
 matter in evidence, and that the same was done in pursuance action.
 of authority of this act.

SECTION 17. If any person or persons shall wilfully or Persons do-
 wilfully break, injure or destroy the railroad hereby ing wilful in-
 authorized, or any part thereof, or any work, edifice or jury to
 vice, or any part thereof, to be erected by the said company works of
 company,
 in pursuance of this act, he, she or they shall forfeit and liable to pay
 to the said company, three times the actual damages so damages.
 sustained, to be sued for and recovered, with full costs, be-
 fore any tribunal having cognizance thereof, by action in the
 name and for the use of the said company.

SECTION 18. If any person or persons shall wilfully or Wilful ob-
 structively remove or destroy any of the company's con-struction of
 structions, or place designedly and with evil intent, any road made a
 obstruction on the line of the railroad, so as to jeopard the misdemeanor
 safety and endanger the lives of persons traveling the same,
 each person or persons so offending, shall be subject to in-
 dictment in the court of Quarter Sessions of the proper county,
 and upon conviction of such offence, shall be punished by
 fine and imprisonment. at the discretion of the court: *Provi- Proviso.*
 ed, That nothing herein contained, shall prevent the
 company from pursuing any other appropriate remedy at law,
 in such cases.

Company au-
thorized to
regulate and
superintend
traveling
and transpor-
tation on
road

Proviso.

Rate of toll.

Annual
statement
of affairs to
stockholders.
Special
meetings.

Condition
thereof.

Time allow-
ed to com-
mence and
complete
works, etc.

Increase of
capital stock.

SECTION 19. It shall and may be lawful for the president and managers, from time to time, to ordain and establish rules and regulations for the due ordering of all traveling and transportation on the said road, and for its preservation, with power to alter, repeal, enlarge or amend the said rules and regulations, as they may deem expedient, and that they shall have full power and authority to prescribe the kinds and descriptions of cars, carriages or wagons to be used on the said railroad, for the conveyance of passengers, and the transportation of the mail, or of goods, wares, merchandise and minerals, and to regulate the speed at which they shall travel, and to adopt and enforce such rules and regulations in relation to the transit thereof, as they may deem expedient: *Provided*, That the toll on any species of property, shall not exceed an average of four cents per ton per mile, nor upon each passenger an average of four cents per mile, and the legislature reserves the right to reduce and regulate the tolls hereby authorized.

SECTION 20. At each annual meeting of the stockholders, the president and managers of the preceding year shall exhibit to them a complete statement of the affairs and proceedings of the company for such year, and that special meetings of the stockholders may be called, by order of the president and managers, or by the president, at the request of stockholders holding one-fourth of the amount of the capital stock, in like notice as that required for annual meetings, specifying moreover, the object of the meeting; but no business shall be transacted at such meetings except that for which it shall have been called, nor unless a majority in value of the stockholders shall attend in person or by proxy.

SECTION 21. If the president and managers and company shall not proceed to carry on the said work within three years from the passage of this act, and shall not complete the same within five years, as aforesaid, according to the true intent and meaning of this act, or if after the completion of the said road, the said company shall suffer the same to go to decay, and be impassable for the term of two years, then this charter shall become null and void, except so far as compels said company to make reparation for damages.

SECTION 22. The president and managers shall be, and they are hereby authorized to increase the capital stock of the said company from time to time, so that the whole number of shares thereof shall not exceed one thousand, of fifty dollars each, and to sell and dispose of so many shares as that the whole shall amount to the said number of one thousand, and to receive subscriptions therefor, and to regulate the payments therefor, to be made to the said company; and the subscribers to and purchasers thereof, and his, her, or their assignee or assignees, shall be subject to the like penal

ties and liabilities in regard to the same, as are prescribed by the eight section of this act: *Provided*, That the said *Proviso*. company shall have the power to borrow money on loan to enable them to finish their works, and to give mortgages, certificates, or other evidence and securities for the payment thereof, the same to be convertible or not convertible into stock, as shall be agreed on between said company and the lender or lenders.

SECTION 23. That at the end of the three years after the charter shall be obtained, and at the end of every year thereafter, there shall be furnished to the legislature an abstract of the accounts of the company, showing the amount of capital paid in, and the debts of the said company, the amount received for tolls and transportation, and rates charged, and the amount of dividends declared, which abstract shall be verified by the oath or affirmation of the president or treasurer of said company.

SECTION 24. If the said company shall at any time misuse or abuse any of the privileges hereby granted, the legislature may resume all and singular, the rights and privileges hereby granted to the said corporation; the legislature also reserves the right to purchase the right of said company, and the railroad, with its appurtenances, at any time after thirty years from the passage of this act, by paying to said company a sum of money, which, together with the tolls received, shall equal the cost and expenses of said railroad, with an interest of eight per centum per annum thereon.

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The eighteenth day of March, Anno Domini, one thousand eight hundred and thirty-six.

JOS. RITNER.

—●●●—
No. 44.

An Act

To incorporate the Honesdale Bank of Wayne county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in Gen-*

eral Assembly met, and it is hereby enacted by the authority of the same, That John Torrey, Zenas H. Russell, Benjamin B. Beach, Nathaniel B. Eldred, Isaac P. Foster, Jacob Fautz, Moses Miller, Enos Woodward, Thomas Clark, Richard L. Seeley, William Greele, Edward Mills, Ephraim W. Hamlin, Daniel P. Kirtland, David Tarbox, Joel N. Hayes, Abisam Winton, Thomas Fuller, Ebenezer Kingsburg, jr. George W. Lee, Jeremiah Bennet, Paul S. Preston, John Roosa, Butler Hamlin, John Raymond, Erastus Wright, Simon Cameron, Samuel Shock, John C. Boyd, William Orr, Frederick Kleet, of Philadelphia, C. G. Donnell, Lewis L. Coryell, be, and they are hereby appointed commissioners to carry into effect, from and after the fourth day of May, one thousand eight hundred and thirty-six, the establishment of a bank, to be called and known by the name of "The Honesdale Bank;" to be located in the borough of Honesdale, in the county of Wayne, agreeably to an act passed the twenty-first day of March, one thousand eight hundred and fourteen, entitled "An act regulating banks," and an act passed the twenty-fifth day of March, one thousand eight hundred and twenty-four, entitled "An act to re-charter certain banks," and an act passed the first day of April, one thousand eight hundred and thirty-five, entitled "An act relative to banks," except so far as the same are hereby altered, revoked or amended by this act, with all and singular, the rights, privileges, and subject to all the like regulations, restrictions, penalties and taxes, imposed upon the said banks by the acts referred to, with the exception aforesaid, with a capital stock of one hundred thousand dollars, to be divided into shares of fifty dollars each, and to be managed and directed by thirteen directors, who shall be citizens and residents of this commonwealth.

SECTION 2. It shall be the duty of the said commissioners to procure books, in which they shall enter as follows, viz:—
"We whose names are hereunto subscribed, do promise to pay to the Honesdale bank of Wayne county, the sum of fifty dollars for every share of stock in said bank set opposite to our respective names, in such manner and proportions as shall be determined by the board of directors of said bank, in pursuance of an act of the general assembly, entitled 'An act to incorporate the Honesdale bank of Wayne county;' Witness our hands, day of , in the year of our Lord one thousand eight hundred and thirty-six :"
Provided, That the Governor shall appoint an auctioneer for the time being, who shall, before entering on the duties of his office, take an oath or affirmation faithfully to discharge the same, to sell the said stock at public outcry or auction, and the said commissioners shall fix upon a certain place in the borough of Honesdale for the sale of said stock, which

place shall afford a full and commodious opportunity for all persons inclined to bid at said sale, and shall give public notice of the time and place of said sale, for at least two successive weeks, in one or more newspapers published in said county; and the said commissioners, or a majority of them, shall assemble at the place of sale at the time appointed, with the said auctioneer, and shall superintend the said sale; and they shall cause the said auctioneer to set up to sale by public outcry, one share of said stock at a time, which shall be disposed of to the highest and best bidder, who shall have the privilege to take the said one share or more, not exceeding twenty shares, at the price bid for the same, and the purchasers shall thereupon pay to the commissioners the premium or advance above the par value of the share by them purchased, and five dollars in addition, on account and in part of each share, and shall then be permitted to subscribe for such purchased stock, in manner as provided for in the second section of the act regulating banks, hereinbefore referred to, in default of which payment and subscription, the same shall be deemed invalid; and they shall proceed to sell the said capital stock in the same manner, from day to day continuously, excluding Sundays, or until the whole is disposed of, and they shall make such other regulations as may be necessary to carry the sale of the said stock by auction fully into effect; a full and correct statement of the said sale, under oath or affirmation, shall be rendered to the State Treasurer by the said auctioneer, within ten days after the said sale, and the said auctioneer shall declare, to the best of his knowledge and belief, that the said sale has been fairly and honestly conducted, without any collusion between the said auctioneer and any of the said commissioners, or any other person, or between any of the said commissioners among themselves, or any other person, to influence said sale, to procure any of said stock to themselves or friends, or any other person, otherwise than by the means authorized by this section; and the proceeds of said sale over and above the par value of said stock, shall be received by the said commissioners, and by them paid over (first deducting one-eighth of one per cent. on the amount of said excess, for the compensation to the said auctioneer, in lieu of commissions,) to the State Treasurer, for the use of the commonwealth, previous to the charter being signed by the Governor, and shall be credited to said bank, in payment or part payment of the bonus required to be paid by this act; and if the said excess above the said par value, shall not amount to the sum required for said bonus, the deficiency shall be made up by the said bank, within the time specified for the payment thereof; but if it exceeds the amount of said bonus, the whole sum shall, nevertheless, be for the use of the commonwealth: *And provided also, That*

Time, place and manner of sale.

Statement of sale to be rendered to the State Treasurer.

Compensation to auctioneer.

Bonus.

Proviso.

Who may
subscribe.

no other banking institution shall be allowed, directly or indirectly, to purchase or hold any stock in this bank, or be interested in any way, either immediately or by the agency of any one in the same, but all such stock so purchased or held, or in which any other bank shall be interested, shall be forfeited for the benefit of the bank established by this act, and the said commissioners shall permit all persons of lawful age, citizens of this or any other of the United States, who shall purchase at said auction sale, to subscribe in their own names, or in the name of any person who shall authorize the same, for shares in the said stock in the said books.

Directors
chosen.

SECTION 3. It may be lawful for the stockholders to meet at any time previous to the third Monday of November, one thousand eight hundred and thirty-six, and choose by ballot thirteen directors, to serve to that time, or until others are elected, notice of the election having been given by the commissioners, at least ten days previous thereto, in one or more of the newspapers of the county of Wayne, and that this charter shall continue in full force and effect, until the first day of November, one thousand eight hundred and fifty-one, and no longer.

Statement of
affairs.

SECTION 4. It shall be the duty of the president and directors of the said bank, to exhibit to either branch of the legislature, when called upon to do so, a statement of their affairs, in the form of a regular account current, or in such form as may hereafter be pointed out by the legislature, as they shall stand on any day or days to be designated, specifying particularly the amount of their capital stock paid in, the daily average amount of deposits of gold and silver, and notes of solvent banks, throughout the year, debts due to other banks, contingent fund, real estate at cost, gold and silver on hand, notes and bills discounted, bills of exchange, stock, bonds, mortgages, notes of other banks, debts due by other banks, distinguishing in each of the last eight items, those which are good, those which are in suit, and those considered doubtful or bad, and such other information as may enable the legislature to possess a correct knowledge of the actual state and condition of the affairs of said bank: *Provided*, That such statement of the affairs of the said bank, as they shall stand on the first Tuesday of November, in each year, shall annually, prior to the second Monday of December, be transmitted, under the oath or affirmation of the president or cashier of the said bank, to the Auditor General, who shall, by the first Monday in January following, lay the same before the legislature.

Proviso.

Payment of
stock.

SECTION 5. It shall be the duty of the directors of said bank, after thirty days notice, in one or more of the newspapers published in the county of Wayne, to call for the payment from the stockholders of the said bank, or their assignees,

such portions of the stock of said bank, as they, the said directors, may from time to time, deem expedient.

SECTION 6. The fifth section of the act entitled "An act ^{Reference to} to establish a bank in the county of Lebanon, and for other Lebanon purposes," dated the eleventh of April, eighteen hundred bank, &c. and twenty-seven, be, and they are hereby extended to the bank chartered by this act, subject nevertheless to the like restrictions and provisions, and also, to all requisitions as to bonus or premium, to be paid to the commonwealth as a consideration for the privileges herein granted, as now by law is, or as the legislature may at any time hereafter demand, and such restrictions and regulations as the legislature may at any time enact for regulating the banking institutions of this commonwealth.

SECTION 7. No discounts shall be made, nor any notes ^{Discounts} issued by the said bank, until the whole of the capital stock and loans thereof be paid in, nor shall the said bank purchase any, nor shall any loans be made upon the pledge of its own stock.

SECTION 8. The said bank shall pay into the treasury of the commonwealth, within two years from the date of the charter, the sum of five thousand dollars, as a consideration ^{Bonus \$5000} for the said charter.

SECTION 9. The privileges hereby granted to the said ^{Reservation} bank, shall be subject to such alterations, provisions and re- of legislative strictions, as the legislature may at any time hereafter think ^{powers.} proper to enact for the better regulation of the banking institutions of this commonwealth, and shall be liable to such taxes, whether on dividends or otherwise, as the legislature may at any time hereafter impose.

NER MIDDLESWARTH,

Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,

Speaker of the Senate.

APPROVED—The eighteenth day of March, Anno Domini, one thousand eight hundred and thirty-six.

JOS: RITNER.

three acres in any one place, as may be found convenient, as places of deposit in the transportation and sale of the products of their mines.

Capital stock **SECTION 3.** The capital stock of said company shall consist
150,000 dolls. of one hundred and fifty thousand dollars, and shall be divided
Each share into three thousand shares of fifty dollars each, which capital
50 dollars. stock shall only be employed in the purchasing and holding the lands aforesaid, with the improvements, if any thereon, and in constructing such other improvements, buildings, cars, boats, engines and machinery, as may be necessary or useful for the mining, transportation and sale of coal, and in the payment of such salaries, wages and other expenditures as shall be requisite for the aforesaid purposes of the company; and said stock shall be assignable and transferrable, according to such rules as the board of directors shall establish.

Stock trans-
ferrable.

Letters
patent. **SECTION 4.** When the above named Daniel J. Labar, John Ogden, Ephraim Hollenbeck, John S. Adams, Jason L. Fenimore, Joseph Jeans, Edward Taylor and their associates, shall have subscribed the whole number of shares aforesaid, and actually paid and expended not less than fifteen per cent. of the capital aforesaid, in purchasing lands, and in such other investments as are authorized by this act, for the use of said company, the Governor, on due evidence thereof, shall by letters patent, under his hand and the seal of the state, create and erect the said Daniel J. Labar, John Ogden, Ephraim Hollenbeck, John S. Adams, Jason L. Fenimore, Joseph Jeans, Edward Taylor and their associates, successors and assigns, into one body corporate, by the name, style and title of the "Summit Coal Company."

Five direct-
ors to be ch-
osen annually. **SECTION 5.** The affairs of the said company shall be managed by five directors, to be chosen annually from the stockholders; the first election shall be held in the city of Philadelphia, within thirty days after letters patent aforesaid shall have been issued, of which election public notice shall be given by three or more of the corporators named in the first section of this act, at least two weeks prior thereto, in two or more daily newspapers printed in Philadelphia, and the subsequent elections shall be held annually, at such convenient time and place as the directors shall determine, of which thirty days previous notice shall in like manner be given by the president of the company, or by any three of the directors: *Provided*, That in the event of a failure to hold such election, the former directors may continue in office for a period not exceeding six months, or until such election shall be held.

Notice.

Proviso.

Ratio of votes **SECTION 6.** The election for directors shall be held by ballot, and each stockholder shall be entitled to vote according to the number of shares held by said stockholder, in the pro-

portion following : that is to say, for each share and not exceeding two shares, one vote ; for every two shares above two and not exceeding ten shares, one vote ; for every four shares above ten and not exceeding thirty, one vote ; for every ten shares above thirty and not exceeding one hundred, one vote ; for every twenty shares above one hundred, one vote. No share shall confer a right of voting, which shall have been transferred within three calendar months prior to the day of election, nor unless it be bona fide held or owned by the person in whose name it appears, in his own right, or in that of his wife, or for his or her sole use and benefit, or as executor or administrator, trustee or guardian, or in the right, or for the use and benefit of some co-partnership, society or corporation, of which he or she may be a member, and all votes by proxy shall be on such terms and conditions as are prescribed by the act passed on the twenty eighth day of March, one thousand eight hundred and twenty, entitled "An act to regulate proxies."

SECTION 7. The directors shall, as soon as convenient after their election, choose one of their number as president, and other to serve for one year ; they shall also have power to appoint, as occasion may require, all other officers and agents of the company, and to supply vacancies in the board, arising from death, resignation, or otherwise, until the next annual election ; at all meetings of the board, three directors shall form a quorum to transact business.

SECTION 8. The directors may, from time to time, call in, on thirty days notice thereof, in at least two daily newspapers printed in Philadelphia, and in at least in one paper printed in each of the counties of Luzerne or Northampton, such instalments on the stock of the company as they may judge best, not exceeding twenty per cent. thereof at any one time ; and if any stockholder shall neglect to pay, at the time and place appointed, any instalment on his stock so called in, for the space of thirty days after the period so designated for the payment thereof, the said stock, and the amount previously paid thereon, may be declared by the directors, forfeited to the company, and disposed of as they shall prescribe.

SECTION 9. Dividends of so much of the profits of the company as shall appear to the directors advisable, shall be declared twice a year, and paid to the stockholders, or their legal representatives, on demand, at any time after the expiration of ten days after having been declared, but said dividends shall in no case exceed the amount of the nett profits actually acquired by the company, so that the capital stock shall never thereby be impaired ; and if any dividend shall be declared which shall impair the capital stock of said company, the directors consenting thereto shall be liable in

their individual capacities to the said company, for the amount of the stock so divided, and each director present when such dividend shall be declared, shall be adjudged to be consenting thereto, unless he shall forthwith give public notice to the stockholders of the declaring of such dividend : *Provided*, That whenever the dividends shall exceed eight per cent. per annum, the said company shall pay a tax of eight per cent. on all dividends into the treasury of the state, and be subject to any tax the legislature may hereafter impose.

Proviso.

Tax on dividends.

Legal process.

SECTION 10. Any legal process served on any agent or manager of said company, is hereby declared to be, to all intents and purposes, as valid as the same would have been if served on the president and directors thereof.

Capital stock may be increased.

Proviso.

Time of continuance in force.

Proviso.

SECTION 11. The company hereby incorporated, shall have power to construct a railroad, with one or more tracks, from any point on their lands, to intersect the Beaver Meadow railroad, or any railroad which may be made in the valley of Hazle creek, at such place as they may deem most convenient; and for that purpose they may increase their capital stock, or borrow one hundred thousand dollars; and the said company shall have the same powers and immunities, and be subject to the same terms and conditions, that are provided in the act to incorporate the Beaver Meadow railroad and coal company, and the supplements thereto: *Provided*, That the said railroad shall be commenced within one year, and completed within three years after the passage of this act.

SECTION 12. This act shall continue and be in force until the thirty-first day of December, in the year of our Lord one thousand eight hundred and fifty-five : *Provided*, That it shall be lawful for the legislature at any time to amend or repeal any of the foregoing provisions, and to rescind the powers hereby granted.

NER MIDDLESWARTH,

Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,

Speaker of the Senate.

APPROVED—The eighteenth day of March, Anno Domini, eighteen hundred and thirty-six.

JOS : RITNER.

No. 47.

An Act

To incorporate the Hazleton Coal Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Samuel Moore, Jacob Drumheller, Jacob Souder, Matthew C. Jenkins, and P. A. Reading, and their associates, successors and assigns, be, and they are hereby constituted a body politic and corporate, by the name and style of "The Hazleton Coal company," for the purpose of mining of coal, and for transacting the usual business of companies engaged in the mining, transporting to market, and selling of coal and the other products of coal mines; and the said corporation, by the said name, is hereby declared and made capable in law to sue and be sued, to plead and be impleaded, to have a common seal, and the same to alter and renew at pleasure, to make rules and by-laws for the regulation and management of said corporation, consistent with the laws of the United States and of this commonwealth, and generally to do and execute for the well being of the said company, whatever shall lawfully pertain to such bodies politic: *Provided,* That nothing herein contained shall be considered as in any way giving to said company banking or railroad privileges, but they shall be exclusively confined to the operations pertaining to the business aforesaid, according to the true intent and meaning of this act: *And provided,* That each stockholder shall be liable in his individual capacity, for the debts and performance of all contracts entered into by the said company, to the amount of the balance unpaid on the stock of said stockholder, so that the whole capital stock of the company, whether paid in or not, shall be liable for said debts and contracts.

SECTION 2. The said company shall have the right to hold, either by purchase or lease, not exceeding two thousand acres of land at any one time, in Sugarloaf township, in the county of Luzerne, and Lausanne township, in the county of Northampton, in the commonwealth of Pennsylvania, and in no other county or township, and the same or any part thereof, to sell or otherwise dispose of, as the interest of the company may require: *Provided,* That the said two thousand acres of land shall be in not more than two separate and distinct bodies: *Provided however,* That the company may hold as above, such lot or lots of land not exceeding three acres in any one place, as may be found convenient,

as places of deposit, in the transportation and sale of the products of their mines.

Capital stock 150,000dolls. **Each share,** 50 dollars. **Stock trans-** **ferrable.** **SECTION 3.** The capital stock of said company shall consist of one hundred and fifty thousand dollars, and shall be divided into three thousand shares, of fifty dollars each, which capital shall only be employed in the purchasing and holding the lands aforesaid, with the improvements, if any thereon, and in constructing such other improvements, buildings, cars, boats, engines and machinery, as may be necessary or useful for the mining, transportation and sale of coal, and in the payment of such salaries, wages, and other expenditures, as shall be requisite for the aforesaid purposes of the company, and said stock shall be assignable and transferrable, according to such rules as the board of directors shall establish.

Letters patent. **SECTION 4.** When the above named Samuel Moore, Jacob Drumheller, Jacob Souder, Matthew C. Jenkins, and P. A. Reading, and their associates, shall have subscribed the whole number of shares aforesaid, and actually paid and expended not less than fifteen per cent. of the capital aforesaid, in purchasing land, and in such other investments as are authorized by this act, for the use of said company, the Governor, on due evidence thereof, shall, by letters patent, under his hand and the seal of the state, create and erect the said Samuel Moore, Jacob Drumheller, Jacob Souder, Matthew C. Jenkins, and P. A. Reading, and their associates, successors and assigns, into one body corporate, by the name, style and title of "The Hazleton Coal company."

Five directors to be chosen annually. **SECTION 5.** The affairs of the company shall be managed by five directors, to be chosen annually from the stockholders; the first election shall be held in the city of Philadelphia, within thirty days after letters patent aforesaid shall have been issued, of which election, public notice shall be given by three or more of the corporators named in the first section of this act, at least two weeks previously thereto, in two or more daily newspapers printed in Philadelphia, and the subsequent elections shall be held annually, at such convenient time and place as the directors shall determine, of which, thirty days previous notice shall in like manner be given by the president of the company, or by any three of the directors: *Provided*, That in the event of a failure to hold such election, the former directors may continue in office for a period not exceeding six months, or until such election shall be held.

Notice.

Proviso.

Ratio of votes. **SECTION 6.** The election for directors shall be held by ballot, and each stockholder shall be entitled to vote according to the number of shares held by said stockholder, in the proportion following, that is to say: for each share and not exceeding two shares, one vote; for every two shares above

two and not exceeding ten shares, one vote; for every four shares above ten and not exceeding thirty, one vote; for every ten shares above thirty and not exceeding one hundred, one vote; for every twenty shares above one hundred, one vote; no share shall confer a right of voting, ^{Right of} which shall have been transferred within three calendar ^{voting.} months prior to the day of election, nor unless it be bona fide held or owned by the person in whose name it appears, in his own right or that of his wife, or for his or her sole use and benefit, or as executor or administrator, trustee or guardian, or in the right, or for the use and benefit of some co-partnership, society or corporation, of which he or she may be a member, and all votes by proxy shall be on such terms ^{Proxies.} and conditions as are prescribed by the act passed on the twenty-eighth day of March, one thousand eight hundred and twenty, entitled "An act to regulate proxies."

SECTION 7. The directors shall, as soon as convenient ^{President} after their election, choose one of their number as president, ^{and other} to serve for one year, they shall also have power to appoint, ^{officers.} as occasion may require, all other officers and agents of the company, and to supply vacancies in the board arising from ^{Vacancies.} death, resignation or otherwise, until the next annual election; at all meetings of the board, three directors shall form a quorum to transact business.

SECTION 8. The directors may, from time to time, call in, on thirty days notice thereof, in at least two daily papers ^{Notice to} printed in Philadelphia, and in at least one paper printed in ^{pay instal-} either of the counties of Luzerne or Northampton, such ^{ments.} instalments on the stock of the company as they may judge best, not exceeding twenty per cent. thereof at any one time; and if any stockholder shall neglect to pay at the time and place appointed, any instalment on his stock so called in, for the space of thirty days after the period so designated for the payment thereof, the said stock, and the amount previously ^{Forfeiture for} paid thereon, may be declared by the directors forfeited to ^{neglect.} the company, and disposed of as they shall prescribe.

SECTION 9. Dividends of so much of the profits of the ^{Dividends.} company as shall appear to the directors advisable, shall be declared twice a year, and paid to the stockholders, or their legal representatives, on demand, at any time after the expiration of ten days after having been declared; but said dividends shall in no case exceed the amount of the nett profits actually acquired by the company, so that the capital stock shall never thereby be impaired, and if any dividend shall be declared which shall impair the capital stock of said company, the directors consenting thereto, shall be lia- ^{Liability of} ble in their individual capacities to the said company, for the ^{directors.} amount of the stock so divided, and each director present when such dividend shall be declared, shall to be adjudged

as places of deposit, in the transportation and sale of the products of their mines.

Capital stock 150,000 dolls. **Each share,** 50 dollars. **Stock trans-** **ferrable.**

SECTION 3. The capital stock of said company shall consist of one hundred and fifty thousand dollars, and shall be divided into three thousand shares, of fifty dollars each, which capital shall only be employed in the purchasing and holding the lands aforesaid, with the improvements, if any thereon, and in constructing such other improvements, buildings, cars, boats, engines and machinery, as may be necessary or useful for the mining, transportation and sale of coal, and in the payment of such salaries, wages, and other expenditures, as shall be requisite for the aforesaid purposes of the company, and said stock shall be assignable and transferrable, according to such rules as the board of directors shall establish.

Letters patent.

SECTION 4. When the above named Samuel Moore, Jacob Drumheller, Jacob Souder, Matthew C. Jenkins, and P. A. Reading, and their associates, shall have subscribed the whole number of shares aforesaid, and actually paid and expended not less than fifteen per cent. of the capital aforesaid, in purchasing land, and in such other investments as are authorized by this act, for the use of said company, the Governor, on due evidence thereof, shall, by letters patent, under his hand and the seal of the state, create and erect the said Samuel Moore, Jacob Drumheller, Jacob Souder, Matthew C. Jenkins, and P. A. Reading, and their associates, successors and assigns, into one body corporate, by the name, style and title of "The Hazleton Coal company."

Five directors to be chosen annually.

SECTION 5. The affairs of the company shall be managed by five directors, to be chosen annually from the stockholders; the first election shall be held in the city of Philadelphia, within thirty days after letters patent aforesaid shall have been issued, of which election, public notice shall be given by three or more of the corporators named in the first section of this act, at least two weeks previously thereto, in two or more daily newspapers printed in Philadelphia, and the subsequent elections shall be held annually, at such convenient time and place as the directors shall determine, of which, thirty days previous notice shall in like manner be given by the president of the company, or by any three of the directors: *Provided*, That in the event of a failure to hold such election, the former directors may continue in office for a period not exceeding six months, or until such election shall be held.

Notice.

Proviso.

Ratio of votes.

SECTION 6. The election for directors shall be held by ballot, and each stockholder shall be entitled to vote according to the number of shares held by said stockholder, in the proportion following, that is to say: for each share and not exceeding two shares, one vote; for every two shares above

two and not exceeding ten shares, one vote ; for every four shares above ten and not exceeding thirty, one vote ; for every ten shares above thirty and not exceeding one hundred, one vote ; for every twenty shares above one hundred, one vote ; no share shall confer a right of voting, ^{Right of} which shall have been transferred within three callendar ^{voting.} months prior to the day of election, nor unless it be bona fide held or owned by the person in whose name it appears, in his own right or that of his wife, or for his or her sole use and benefit, or as executor or administrator, trustee or guardian, or in the right, or for the use and benefit of some co-partnership, society or corporation, of which he or she may be a member, and all votes by proxy shall be on such terms ^{Proxies.} and conditions as are prescribed by the act passed on the twenty-eighth day of March, one thousand eight hundred and twenty, entitled “ An act to regulate proxies.”

SECTION 7. The directors shall, as soon as convenient ^{President} after their election, choose one of their number as president, ^{and other} to serve for one year, they shall also have power to appoint, ^{officers.} as occasion may require, all other officers and agents of the company, and to supply vacancies in the board arising from ^{Vacancies.} death, resignation or otherwise, until the next annual election ; at all meetings of the board, three directors shall form a quorum to transact business.

SECTION 8. The directors may, from time to time, call in, on thirty days notice thereof, in at least two daily papers ^{Notice to} printed in Philadelphia, and in at least one paper printed in ^{pay instal-} either of the counties of Luzerne or Northampton, such ^{ments.} instalments on the stock of the company as they may judge best, not exceeding twenty per cent. thereof at any one time ; and if any stockholder shall neglect to pay at the time and place appointed, any instalment on his stock so called in, for the space of thirty days after the period so designated for the payment thereof, the said stock, and the amount previously ^{Forfeiture for} paid thereon, may be declared by the directors forfeited to ^{neglect.} the company, and disposed of as they shall prescribe.

SECTION 9. Dividends of so much of the profits of the ^{Dividends.} company as shall appear to the directors advisable, shall be declared twice a year, and paid to the stockholders, or their legal representatives, on demand, at any time after the expiration of ten days after having been declared ; but said dividends shall in no case exceed the amount of the nett profits actually acquired by the company, so that the capital stock shall never thereby be impaired, and if any dividend shall be declared which shall impair the capital stock of said company, the directors consenting thereto, shall be lia- ^{Liability of} ble in their individual capacities to the said company, for the ^{directors.} amount of the stock so divided, and each director present when such dividend shall be declared, shall to be adjudged

Proviso. consenting thereto, unless he shall forthwith give public notice to the stockholders of the declaring of such dividend: *Provided*, That whenever the dividend shall exceed eight per cent. per annum, the said company shall pay a tax of eight per cent. on all such dividends into the treasury of the state, for purposes of education.

Time of continuance of the act. SECTION 10. This act shall continue and be in force until the thirty-first day of December, in the year of our Lord one thousand eight hundred and fifty-five, but it shall and may be lawful for the legislature at any time to amend or repeal any of the foregoing provisions, and to rescind the powers hereby granted.

Legal process. SECTION 11. Any legal process served on any agent or manager of said company, is hereby declared to be, to all intents and purposes, as valid as the same would have been if served on the president and directors thereof.

Capital stock may be increased. SECTION 12. The company hereby incorporated, shall have power to construct a rail-road, with one or more tracks, from any points on their lands, near the head waters of Cranberry and Hazle creeks, to intersect the Beaver Meadow railroad, at such place as they may deem most convenient, and for that purpose they may increase their capital stock, or borrow one hundred thousand dollars; and the said company shall have the same powers and immunities, and be subject to the same terms and conditions, that are provided in the act to incorporate the Beaver Meadow railroad and coal company, and the supplements thereto: *Provided*, That the said railroad shall be commenced within one year, and completed within three years after the passing of this act.

Proviso.

NOR MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The eighteenth day of March, A. D. eighteen hundred and thirty-six.

JOS: RITNER.

No. 48.

An Act

Supplementary to an act entitled "An act to incorporate the Girard Bank in the city of Philadelphia," passed on the third day of April, Anno Domini eighteen hundred and thirty-two.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That if the Girard Bank in the city of Philadelphia shall accept the provisions of this act, and advise the Governor of the same, under their corporate seal, within ^{Charter ex-}sixty days after the passage of this act, then the charter of ^{tended and}the said bank shall be, and it is hereby continued and ex-^{continued}tended twenty years from the passage of this act, and the ^{twenty years}capital stock of the said bank may be increased so as to ^{Capital stock}consist of one hundred thousand shares, of fifty dollars each, ^{increased.}and no more: *Provided,* The said Girard Bank in the city of ^{Proviso.}Philadelphia shall pay into the treasury of the common-wealth, within one year after the passage of this act, one hundred and twenty-five thousand dollars, and within two years after its passage, one hundred and twenty-five thousand dollars, as a bonus for the privileges granted by this ^{Bonus.}act: *And provided,* The said bank shall be subject to the ^{2d Proviso.}operation of the twenty-fourth article of the act passed the twenty-fifth of March, one thousand eight hundred and twenty-four, entitled, "An act to re-charter certain banks."

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

I do hereby certify, that the bill entitled An act supplementary to an act entitled "An act to incorporate the Girard Bank in the city of Philadelphia," passed on the third day of April, Anno Domini one thousand eight hundred and thirty-two, which has been disapproved by the Governor, and returned with his objections, to the House of Representatives, in which it originated, was agreed to by two-thirds of the House of Representatives, on the nineteenth day of March, one thousand eight hundred and thirty-six, and that the foregoing is the act so agreed to by the said House. ^{Certificate of passage by two thirds of the H. R.}

NER MIDDLESWARTH,
Speaker of the House of Representatives.

ATTEST—SAMUEL SHOCH,
Clerk of the House of Representatives.

Certificate of I do certify, that the bill entitled An act supplementary
 passage by to an act entitled "An act to incorporate the Girard Bank
 two thirds of in the city of Philadelphia," passed on the third day of April,
 Senate.

Anno Domini one thousand eight hundred and thirty-two,
 which has been disapproved by the Governor, and returned
 with his objections, to the House of Representatives, in
 which it originated, was approved by two-thirds of the Se-
 nate, agreeably to the constitution, on the nineteenth day of
 March, Anno Domini one thousand eight hundred and thirty-
 six, and that the foregoing is the act so approved by the
 Senate.

THOMAS S. CUNNINGHAM,
 Speaker of the Senate.

ATTEST—LAURENCE L. MINOR,
 Clerk of the Senate.

No. 49.

A Further Supplement

To the act entitled "An act authorizing the Governor to incorpo-
 rate the Northampton Water Company," and to an act entitled
 "An act to incorporate the city of Lancaster, and for other purpo-
 ses."

Dividend.

Proviso.

SECTION 1. *Be it enacted by the Senate and House of Re-
 presentatives of the Commonwealth of Pennsylvania in Gene-
 ral Assembly met, and it is hereby enacted by the authority
 of the same, That the board of managers of the Northamp-
 ton water company be, and they are hereby authorized, on
 the fourth Monday of April in each and every year, to
 declare a dividend on the capital stock of the said company,
 paid in out of the income of the said company, for the year
 ending on that day, after deducting therefrom the current
 expenses and the interest on loans for that year: Provided,
 That the residue of said income be set apart as a contingent
 fund, and that so much of the act to which this is a supple-
 ment, as is hereby altered, be, and the same is hereby re-
 pealed.*

SECTION 2. That for the purpose of introducing into the
 city of Lancaster a sufficient supply of fresh and pure water.

the mayor, aldermen, and citizens, of said city, be, and To supply
 they are hereby authorized and empowered to purchase and Lancaster
 hold, in fee simple, or for any less estate, any water power city with
 or powers, near or convenient to the said city, or any lands, water.
 tenements, or hereditaments, to which any water power or
 powers may be appertaining, with full power the same, or
 any part or parts thereof, to grant, bargain, sell, alien, con-
 vey, mortgage, pledge, charge, encumber, and demise, and
 dispose of, at their will and pleasure.

SECTION 3. The said mayor, aldermen, and citizens of Mayor and
 the said city of Lancaster, in select and common councils others au-
 assembled, are hereby authorized and empowered, for the thorized to
 purpose of carrying into full effect the objects of this act, to borrow 100,-
 borrow any sum or sums of money not exceeding one hun-
 dred thousand dollars, in the name and upon the faith,
 credit, and responsibility of the said city, and to impose and May assess
 assess such tax or taxes, from time to time, as may be neces- taxes to pay
 sary to pay the interest upon such loan, and to redeem the principal and
 principal at such time and in such manner as may be con- interest.
 formable to the terms upon which the same is taken.

SECTION 4. The said mayor, aldermen, and citizens of
 Lancaster, shall provide, erect, and maintain all works and
 machinery, or engines, necessary or proper for raising and
 introducing into the said city a sufficient supply of fresh
 and pure water, and shall provide, erect, and maintain all
 proper cisterns and reservoirs for the reception of the water
 they may so introduce; and for this purpose they are hereby Authority to
 authorized and empowered, by themselves, their agents, enter into
 artificers, engineers, and workmen; with their tools, instru- lands and en-
 ments, carts, wagons, and other carriages, and beasts of closures.
 burthen or draft, from time to time, and at all times here-
 after, to enter into such lands and enclosures, and public or
 private roads or highways, as may be necessary, and to
 occupy, dig, ditch, and lay pipes through the same, and the
 same to raise, alter and repair, doing as little damage to pri- Compensation
 vate property as possible, and making compensation to the for dam-
 owner or owners thereof, in the manner hereafter provided age,
 for.

SECTION 5. The said mayor aldermen, and citizens of
 Lancaster, their superintendents, engineers, and labourers,
 with their tools, instruments, carts, wagons, and other car-
 riages, and beasts of burthen or draft, may enter upon the
 lands contiguous to the dam, or dams, works, cisterns, and
 reservoirs they may erect on the route upon which they may
 lay their pipes, first giving notice to the owner or owners
 thereof, and from thence take and carry away stone, earth,
 sand, or other material necessary to the construction of the Cisterns and
 said dam, or dams, works, cisterns, and reservoirs, or to the reservoirs,
 proper laying down of the said pipes, doing as little damage etc.

as possible, and repairing any breaches they may make in the enclosures thereof, and making compensation to the owner or owners thereof, in the manner hereinafter provided for.

Mode of as-
certaining
damages.

Jury.

Judgment
and execu-
tion.

Provido.
Appeal.

SECTION 6. If the parties cannot agree upon the compensation to be made to the owner or owners of such lands, enclosures, public or private roads, or highways, or to any person or persons who may be injured by the diversion of the waters that may be used by the said city, for the purposes aforesaid, it shall, and may be lawful for the parties to appoint six suitable and judicious persons, who shall act under oath or affirmation, or if they, or a majority, cannot agree on such persons, then either of the parties may apply to the court of Common Pleas, or District Court of the city and county of Lancaster, and the said court of Common Pleas, or District Court, shall award a venire, directed to the sheriff, to summon a jury of disinterested men, in order to ascertain and report to the said court what damages, if any, has been done by the said mayor, aldermen, and citizens of Lancaster, which report being confirmed by the court, judgment shall be entered thereon, and execution may issue, in case of non-payment of the sum awarded, with reasonable costs, to be assessed by the courts: *Provided*, That either party may appeal to the court by whom the said venire was issued, within thirty days after such report shall have been filed in the Prothonotary's office of said county, in the same manner as appeals are allowed in other cases; upon which appeals, such proceedings shall be had, as are used in actions for damages at common law.

Hydrants.

Use of water.

SECTION 7. The said mayor, aldermen and citizens of Lancaster, in select and common councils assembled, shall have full power and authority to pass, ordain and enact, all laws and ordinances necessary to enable them to convey the said water through the city in all directions, and to fix hydrants or fire-plugs wheresoever they may deem proper, and to fix and determine the uniform rates of prices to be paid by the citizens for the use of the said waters, and to protect the water works, cisterns, reservoirs, pipes, plugs and hydrants, from damage or destruction, and generally to do all things requisite and necessary for carrying into full and perfect effect the objects contemplated by this act.

Water to be
kept pure.

SECTION 8. If any person or persons shall wilfully take, lead, conduct or carry off, or shall knowingly suffer or permit to be taken, led, conducted or carried off, any filth, or any putrid, noxious or offensive matter from any dye-house, still-house, brew-house, or tan yard, or from any manufactory whatever, into the dam or dams that may be purchased or erected by the mayor, aldermen and citizens of Lancaster, for the purpose of introducing water into the said city, or shall throw, cast, or wilfully suffer to fall into the dam or head race of the water works, or into any reservoir or reser-

voirs to be erected by the said mayor, aldermen and citizens of Lancaster, any dead animal, or any putrid or corrupt thing whatsoever, or any noxious or offensive matter of any kind, or shall go in to swim or bathe in the said dam, race, reservoir or reservoirs, or shall entice, throw, lead or conduct any animal therein, or shall cut, deface, mutilate, or other-
 wise injure any part of the buildings, machinery, or work that may be erected or purchased by the said mayor, aldermen and citizens of Lancaster, in pursuance of the powers given by this act, every such person or persons so offending, shall forfeit and pay a sum not less than five nor more than fifty dollars, at the discretion of the magistrate, to be recovered, with costs of suit, in the same manner as debts under one hundred dollars are by law recoverable, by any person that shall sue for the same, before any alderman of the said city, or any justice of the peace in Lancaster county, one half to the use of the plaintiff, and the other to the use of the mayor, aldermen and citizens of Lancaster; and if any person or persons so offending against the provisions of this section, shall neglect or refuse to pay the amount for which judgment may be, as aforesaid, rendered against him, and no goods or chattels can be found whereof to levy the same by execution, then every person or persons so offending shall be committed to the jail of the county of Lancaster, for any period of time not less than ——— nor more than sixty days, according to the direction of the justice or alderman rendering the said judgment.

Mutilation of
buildings,
etc. prohib-
ited.

Penalty from
5 to 50 dolls.

Imprison-
ment.

SECTION 9. Nothing in this act shall be taken to prevent the use of steam power in introducing water into the city of Lancaster: *Provided*, the same shall be deemed, by the select and common councils of the said city, to be preferable to water power.

Steam power
Proviso.

SECTION 10. That when two hundred shares of the stock authorized to be subscribed by the act to which this is a supplement, shall have been subscribed by the Pottsville water company, and five dollars paid for every share so subscribed, the commissioners, or a majority of them, named in the said act, shall certify the same to the Governor, it shall be lawful for the Governor, under his hand and seal of the state, to create and erect the subscribers, and also those who shall afterwards subscribe, and their assigns, into one body politic and corporate, in deed and in law, agreeably to the act to which this is a supplement.

200 shares to
be subscribed
5 dollars on
each share to
be paid.

Charter

NER MIDDLESWARTH,

Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,

Speaker of the Senate.

APPROVED—The twenty-first day of March, Anno Domini one thousand eight hundred and thirty-six.

JOS: RITNER.

No. 50.

Supplement

To the act entitled "An act to authorize the Governor to incorporate the Susquehanna Canal Company," approved the fifteenth day of April, A. D. eighteen hundred and thirty-five.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the president and managers of the Susquehanna Canal company aforesaid, if they shall deem it expedient to construct the said canal on the west side of the river, to the Maryland line, they are hereby authorized and empowered so to do, and connect the said canal with the Pennsylvania canal, at or near, but not more than a fourth of a mile below Columbia, by means of a dam and towing-path bridge or otherwise, as they may determine upon: *Provided,* That in making the said connexion, whether by dam or bridge, or otherwise, it shall be so made as not to injure or obstruct the descending navigation of the river, nor impede the ascent of the fish; and if such connexion shall be made by a dam, a schute or sluice shall be constructed therein, in a line with the channel of the river, of not less than one hundred feet width, and of sufficient length to enable craft of all kinds safely to pass the same; and such schute or sluice shall be kept in repair by the said company; and said dam shall not exceed four and a half feet in height, and shall be sloped on the lower side, so as to have an ascent of not more than one foot in height for every five feet in the length of the said slope, to promote the passage of fish, and the said company shall construct an outlet lock, if necessary, opposite the town of Columbia, below the bridge and near thereto, of sufficient dimensions to enable all craft navigating the Pennsylvania canal to pass the same. And if the said company shall neglect or refuse to make and keep in repair, for the descending navigation, a safe schute as aforesaid, through the said dam, they shall pay all damage which may be sustained in consequence thereof, which damage shall be assessed by two persons, one of whom shall be chosen by the said company, and one by the party grieved, and if they cannot agree, the said referee shall choose a third person, and the award of a majority shall be final: *Provided always,* That the aforesaid company shall not be entitled to use the privileges, and enjoy the advantages granted to it by this act, until the state of Maryland shall have fully authorized the construction, use, control, repair and preservation, of a

Canal on the west side of the river, and to connect with Penn'a. canal.
 Proviso.
 Fish.
 Schute and dam.
 Damages, how assessed
 Relative to a competing railroad in Maryland and the Baltimore and Ohio railroad

railroad of the width of the Baltimore and Ohio, and
 Columbia and Philadelphia railroad, from a convenient
 point or points in the line of the state, bounding on Wash-
 ington county, in the state of Maryland, to be connected Point of con-
 section.
 with the Baltimore and Ohio railroad, at or near Hagerstown
 or Williamsport, or as near thereto as may be, if the railroad
 last aforesaid shall be made through or near to the said town,
 or between the same and the ravine of the Potomac river;
 but if the Baltimore and Ohio railroad shall be constructed
 along the said ravine, between the south mountain and Wil-
 liamsport, then to be connected with the said railroad, either
 at or near Hagerstown or Williamsport, or between Hagers-
 town or Williamsport and the north mountain, in the ravine
 of said river, and shall also have granted the state of Penn-
 sylvania, or to such person or persons, or company, as may
 be appointed or incorporated by the state of Pennsylvania,
 for the purpose of constructing the railroad to be connected
 with the Baltimore and Ohio railroad as aforesaid, like powers
 and privileges for the construction, control, use, repair and
 preservation of the railroad, and the necessary appurte-
 nances, to be made and connected within Maryland, as
 aforesaid, to those which were given to the Baltimore and
 Ohio railroad company, for the construction, control, use,
 repair and preservation of the main track or route of its
 railroad, and all necessary appurtenances, nor until the
 Baltimore and Ohio railroad company shall have agreed and
 stipulated to allow the said connexion with its main road, to
 be made in manner aforesaid, if such consent be necessary,
 nor in any event, until the said company shall have agreed
 and stipulated to extend equal facilities to those given gene- Equal facilit-
 ties and
 charges for
 transporta-
 tion.
 rally on its main railroad, and to make no higher or other
 charges per mile for the transportation of persons or things
 passing on its main railroad, toward or from the railroad
 which shall be made from the line of this state, and con-
 nected with said main railroad, than shall be at the same
 time made or charged for the transportation of like persons
 and things, in the like direction; that is to say, eastwardly
 or westwardly respectively, when passing over the whole Rates of
 toll.
 line or length of the railroad of said company, so long as
 the charge for transporting like persons and things, towards
 or from the Baltimore and Ohio railroad, along the whole
 line of the railroads constructed by authority derived from
 the state of Pennsylvania, on which such persons and things
 may be transported, shall not be less per mile than is at the
 same time charged per mile for the transportation of like
 persons and things on so much of the Baltimore and Ohio
 railroad as is situate eastwardly of the aforementioned point
 of connexion with the said Baltimore and Ohio railroad, and
 whenever the charge for transporting like persons and things

Regulation
of tolls.

towards or from the said point of connexion, shall be less on the railroads constructed by authority derived from the state of Pennsylvania, than to charge for transporting persons and things passing to or from said connecting railroad, on that portion of the railroad of the Baltimore and Ohio railroad company, situated westwardly of said point of connexion in which the said transportation shall occur, only such rates of tolls and transportation per mile, on such persons and things per mile, eastwardly or westwardly respectively, as much as the rates shall have been per mile below said uniform rates for transporting like persons and things, when proceeding to or from the Baltimore and Ohio railroad, on the railroads constructed by authority derived from the state of Pennsylvania, and on which such persons and things may pass, either towards or from the railroad of the Baltimore and Ohio railroad company: And if any railroad or railroads constructed in Pennsylvania shall connect with the Baltimore and Ohio railroad, under the provisions of this act, the same rules respecting the regulation of tolls and charges on persons and things passing on the Baltimore and Ohio railroad, to and from the said connected railroad, shall be observed on the said Pennsylvania railroads, that are stipulated by this act to be observed on the said Baltimore and Ohio railroad, with respect to persons and things passing on the said Pennsylvania railroads, to and from the said Baltimore and Ohio railroad; and any railroad company, to entitle it to the benefits of this act, shall agree and stipulate to observe the said rules respecting the regulation of tolls on persons and things passing the railroads of said companies, to and from the said

3d Proviso.

Plan of dam
to be approved by Canal
Commissioners and Engineer.

Baltimore and Ohio railroad: *Provided further*, That if at any time a company should be incorporated, or if the commonwealth should undertake to construct a canal from Columbia to the Delaware river, or bay, or any of the tributaries thereof, said company or commonwealth shall be at liberty to commence said improvement at the dam contemplated to be constructed by the company incorporated by this act, on the east side of the Susquehanna river, and shall be allowed the privileges of using the waters of said dam for all purposes necessary to the establishment of navigation by canal, that in case the said company in pursuance of the authority given by this act, shall determine to construct a dam across the river Susquehanna, at any point below the Columbia bridge, it shall be the duty of the said company to submit the plan of said dam to the board of Canal Commissioners, or to an engineer, to be appointed by them for that purpose; and nothing in this act shall be so construed as to permit the said company to commence the construction of said dam, until the said commissioners or engineer so to be appointed shall approve the same, and shall certify to the Governor that the construction of said dam will not injure, or in any

wise endanger the Columbia bridge: *Provided also*, That if ^{4th Proviso.} the said canal should be continued under the authority of the state of Maryland, or otherwise, from the state line to tide, by the said Susquehanna canal company, or its stockholders, or any of them, then the commonwealth of Pennsylvania shall have the same right to purchase all the interest and ^{Right of Pennsylvania to purchase the} property of said company, or stockholders, in and to said continued canal, within the state of Maryland, as it has to purchase that portion being within the state of Pennsylvania; canal and the said owner or owners of said prolonged canal shall not be at liberty to refuse such offer to purchase, if made to them, under penalty of forfeiting to this commonwealth all their interest in the said canal lying within this state: *Provided*, that no purchase of said prolonged canal shall be made until after the expiration of fifteen years from the comple- ^{After fifteen} tion thereof, or as mentioned in the third section of this years. act.

SECTION 2. If at the expiration of two years after the said canal shall have been completed, the tolls should enable the company, after paying all repairs and other expenses, to divide more than fifteen per cent. per annum on the capital ^{Dividends not to exceed 15 per cent.} stock expended, then, and in such case, the tolls shall be so reduced that the dividend shall not exceed fifteen per cent., and shall so continue for five years; and if after the expiration of that time they shall exceed fifteen per cent., they shall be so reduced as not to exceed fifteen per cent., and after that period shall be so regulated, from time to time, as not to exceed fifteen per cent; and if at any time after the completion of the said work, it shall be found that the nett ^{Tolls may be raised so as to divide 6 per cent.} proceeds aforesaid shall not amount to six per cent. upon the money expended, it shall be lawful to raise the said tolls so as to divide six per cent., and the said company shall pay annually into the treasury of the commonwealth, a tax of ^{Tax.} eight per centum on all dividends which may exceed six per centum on the capital stock actually paid in: *Provided*, ^{Proviso.} That nothing herein contained shall be construed to repeal that part of the tenth section of the act to which this is a supplement, or regulating the amount of tolls.

SECTION 3. This commonwealth may exercise the right of ^{Right of purchase.} purchase of the said canal from the said company, in accordance with the provisions of the twentieth section of the act of incorporation, or in such manner as the legislature may ^{Proviso.} hereafter designate: *Provided*, The money expended, and the interest thereof, as specified in the twentieth section of ^{2d Proviso.} the act to which this is a supplement, is paid: *And provided*, That no purchase, as aforesaid, shall be made till after the expiration of fifteen years from the completion of the said work.

SECTION 4. If any stockholder in said company, who shall refuse to assent to the provisions of the charter as modi-

Subscribers
not liable.

Proviso.

Outlet lock
near Havre-
de Grace.

Canal to be
connected
with the
Conestoga
navigation.

Proviso.

2d Proviso.

3d Proviso.

Proviso rela-
tive to Wm.
Wright's
privilege.

Damage, how
ascertained.

fied by this act, shall make affidavit that he subscribed for the said stock on the ground that the said canal should be constructed on the west side of the river, such subscriber shall not be held liable for payment of the balance of his subscription, and shall be entitled to have the money paid by him on account of his subscription, refunded by the said company: *Provided*, Such affidavit be made and forwarded to the treasurer of the company within three months from the passage of this act.

SECTION 5. The said Susquehanna canal company shall at all times keep an outlet lock, at or near Haverdegrace, in complete order and repair, through which an easy and free passage may be had for boats, from the said canal to the Chesapeake bay; (and no tolls shall be charged by the said company on any ark, raft, boat or other craft, or its cargo, ascending or descending the said locks, for the use thereof;) and the said company shall connect their said canal with the Conestoga navigation, so as to secure a safe and easy passage from the one to the other, and shall keep the same in repair: *Provided*, That the Conestoga navigation company shall put and keep the said in good repair, and in such condition as to admit of the easy ascent and descent of canal boats and other craft, to and from the city of Lancaster: *And provided*, That no dam shall be made in the river in forming such connection, exceeding three feet in height, and the same shall be sloped, and a schute formed in the said dam, in the same manner and of the same dimensions as is herein directed with respect to the Columbia dam: *Provided*, The same shall not injure the descending navigation of the Susquehanna.

SECTION 6. *And provided*, That any rights, privileges or property, which William Wright may have conferred upon him by virtue of an act of assembly, passed the eleventh day of February, one thousand eight hundred and three, entitled "An act authorizing William Wright to lead off and use part of the waters of the Susquehanna, on his own land in York county," if injured or interrupted by the location or construction of the dam or canal hereby authorized, any damage which may be sustained by him in consequence thereof, shall be ascertained and determined, as directed by the eighth section of the act to which this is a supplement, in other cases of damage.

NER MIDDLESWARTH,

Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,

Speaker of the Senate.

APPROVED—The twenty-first day of March, Anno Domini, one thousand eight hundred and thirty-six.

JOS: RITNER.

No. 51.

An Act

Relative to limited partnerships.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That limited partnerships for the transaction of any agricultural, mercantile, mechanical, mining and transporting of coal, or manufacturing business, within this state, may be formed by two or more persons, upon the terms, with the rights and powers, and subject to the conditions and liabilities herein prescribed; but the provisions of this act shall not be construed to authorize any such partnership for the purpose of banking or making insurance. Banking and insurance prohibited.

SECTION 2. Such partnerships may consist of one or more persons, who shall be called general partners, and who shall be jointly and severally responsible as general partners now are by law, and of one or more persons who shall contribute in actual cash payments, a specific sum as capital to the common stock, who shall be called special partners, and who shall not be liable for the debts of the partnership beyond the fund so contributed by him or them to the capital. General and special partners.

SECTION 3. The general partners only shall be authorized to transact business and sign for the partnership, and to bind the same. General partners only to act.

SECTION 4. The persons desirous of forming such partnership shall make and severally sign a certificate, which shall contain:—

I. The name or firm under which such partnership is to be conducted. A certificate to contain—

II. The general nature of the business intended to be transacted.

III. The names of all the general and special partners interested therein, distinguishing which are general and which are special partners, and their respective places of residence.

IV. The amount of capital which each special partner shall have contributed to the common stock.

V. The period at which the partnership is to commence, and the period at which it will terminate.

SECTION 5. The certificate shall be acknowledged by the several persons signing the same, in the manner, and before the same persons, that deeds are now acknowledged, Certificate to be acknowledged.

and the said acknowledgment shall be certified in the same manner as the acknowledgment of deeds are now certified.

Certificate to be recorded, and where. SECTION 6. The certificate so acknowledged and certified, shall be recorded and filed in the office of the recorder of deeds of the proper county, in which the principal place of business of the partnership shall be situated, and shall also be recorded by him at large, in a book to be kept for that purpose open to public inspection : If the partnership shall have places of business situated in different counties, a transcript of the certificate and of the acknowledgment thereof, duly certified by the recorder in whose office it shall be filed, and under his official seal, shall be filed and recorded in like manner in the office of the recorder of every such county.

Affidavit of general partners. SECTION 7. At the time of filing the original certificate, with the evidence of the acknowledgment thereof, as before directed, an affidavit of one or more of the general partners shall also be filed in the same office, stating the sums specified in the certificate to have been contributed by each of the special partners to the common stock, and to have been actually, and in good faith, paid in cash.

Liability in case of false statement. SECTION 8. No such partnership shall be deemed to have been formed until a certificate shall have been made, acknowledged and filed, and recorded, nor until an affidavit shall have been filed as above directed ; and if any false statement be made in such certificate or affidavit, all the persons interested in such partnership shall be liable for all the engagements thereof, as general partners.

Terms of partnership to be published. SECTION 9. The partners shall publish the terms of the partnership, when registered, for at least six weeks immediately after such registry, in two newspapers, to be designated by the recorder of deeds of the county in which such registry shall be made, and to be published in the county or counties in which their business shall be carried on; and if such publication be not made, the partnership shall be deemed general.

Affidavits. SECTION 10. Affidavits of the publication of such notice by the printers of the newspapers in which the same shall be published, may be filed with the recorder, directing the same, and shall be evidence of the facts therein contained.

Renewal of partnerships. SECTION 11. Every renewal or continuance of such partnership beyond the time originally fixed for its duration, shall be certified, acknowledged and recorded, and an affidavit of a general partner be made and filed, and notice be given in the manner herein required for its original formation, and every such partnership which shall be otherwise renewed or continued, shall be deemed a general partnership.

SECTION 12. Every alteration which shall be made in the ^{Alterations} names of the partners, in the nature of the business, or in the ^{of partner-} capital or shares thereof, or in any other matter specified in ^{ships.} the original certificate, shall be deemed a dissolution of the partnership, and every such partnership which shall in any manner be carried on after any such alteration shall have been made, shall be deemed a general partnership, unless renewed as a special partnership, according to the provisions of the last section.

SECTION 13. The business of the partnership shall be conducted under a firm, in which the names of the general partners only shall be inserted, without the addition of the word "Company," or any other general term, and if the name of ^{Company.} any special partner shall be used in such firm, with his privacy, he shall be deemed a general partner.

SECTION 14. Suits in relation to the business of the ^{Suits.} partnership may be brought and conducted by and against the general partners, in the same manner as if there were no special partners.

SECTION 15. No part of the sum which any special ^{Liability for} partner shall have contributed to the capital stock, shall be ^{lia-} liable for any debts previously contracted by the general ^{debts.} partners, nor shall any part of such sum be withdrawn by him, or paid or transferred to him in the shape of dividends, profits, or otherwise, at any time during the continuance of the partnership; but any partner may annually receive lawful ^{Interest and} interest on the sum so contributed by him, if the payment of ^{profits.} such interest shall not reduce the original amount of such capital, and if after the payment of such interest, any profits shall remain to be divided, he may also receive his portion of such profits.

SECTION 16. If it shall appear that by the payment of ^{Original cap-} interest or profits to any special partner, the original capital ^{ital not to be} has been reduced, the partner receiving the same shall be ^{impaired.} bound to restore the amount necessary to make good his share of capital, with interest.

SECTION 17. A special partner may, from time to time, ^{A special} examine into the state and progress of the partnership ^{con-} partner may ^{cerns,} and may advise as to their management, but he shall ^{examine into} not transact any business on account of the partnership, nor ^{the concerns,} be employed for that purpose as agent, attorney or other- ^{&c.} wise; if he shall interfere contrary to these provisions, he shall be deemed a general partner.

SECTION 18. The general partners shall be liable to ^{Liability of} account to each other and to the special partners, for the ^{general part-} management of their concern, both in law and equity, as ^{ners.} other partners now are by law.

- Fraud.** SECTION 19. Every partner who shall be guilty of any fraud in the affairs of the partnership, shall be liable civilly to the party injured, to the extent of his damage.
- Sale, assignment or transfer, when insolvent, void.** SECTION 20. Every sale, assignment, or transfer of any of the property or effects of such partnership, made by such partnership when insolvent, or in contemplation of insolvency, or after or in contemplation of the insolvency of any partner, with the intent of giving a preference to any creditor of such partnership or insolvent partner over other creditors of such partnership, and every judgment confessed, lien created, or security given by any such partner under the like circumstances and with the like intent, shall be void as against the creditors of the partnership.
- Judgment & lien also void.** SECTION 21. Every such sale, assignment, or transfer of any of the property or effects of the general or special partner, made by such general or special partner when insolvent, or in contemplation of insolvency, or after or in contemplation of the insolvency of the partnership, with the intent of giving to any creditor of his own or of the partnership a preference over creditors of the partnership, and every judgment confessed, lien created, or security given by any such partner under the like circumstances and with the like intent, shall be void as against the creditors of the partnership.
- Sal e, assignment, &c. as to creditors.** SECTION 22. Every special partner who shall violate any provision of the two last preceding sections, or who shall concur in or assent to any such violation by the partnership, or by any individual partner, shall be liable as a general partner.
- Liability.** SECTION 23. In case of the insolvency or bankruptcy of the partnership, no special partner shall, under any circumstances, be allowed to claim as a creditor, until the claims of all the other creditors of the partnership shall be satisfied.
- Rights of creditors.** SECTION 24. No dissolution of such partnership by the acts of the parties, shall take place previous to the time specified in the certificate of its formation, or in the certificate of its renewal, until a notice of such dissolution shall have been filed and recorded in the recorder's office in which the original certificate was recorded, and published once in each week for four weeks, in a newspaper printed in each of the counties where the partnership may have places of business.
- Dissolution.**

NER MIDDLESWARTH,

Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,

Speaker of the Senate.

APPROVED—The twenty-first day of March, A. D. eighteen hundred and thirty-six.

JOS: RITNER.

No. 52.

An Act**To incorporate the Wrightsville and Gettysburg Railroad Company.**

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Thomas C. Miller, James A. Thomson, Thaddeus Stephens, James Wilson, William McClellan, Thomas S. Cooper, John F. McFarlane, John B. McPherson, Samuel Fahnestock, James McSherry, David Middlecoff, George Himes, George Ickes, Joseph Carl, William Hildebrand, Joseph Miller, Abraham Picking, G. L. Fauss, R. M. Hutcheson, Jacob Dellone and William Albright of Adams county, L. H. Skinner, Henry Wirt, John Kauffelt and Henry Feuthy of York county, William Wright and William McPherson of Lancaster county, William D. Lewis, Jesse R. Burden, John Gest, J. B. Mitchell of Philadelphia, Samuel McClellan, Jacob Albert and James H. Miller of Baltimore, or any five of them, are hereby appointed commissioners to do and perform the several things hereinafter mentioned: that is to say, they shall procure a suitable number of books, and in each of them enter as follows: “We whose names are hereunto subscribed, do promise to pay to the president and managers of the Wrightsville and Gettysburg railroad company, the sum of fifty dollars for every share of stock set opposite to our respective names, in such manner and proportions, and at such times, as shall be determined by the president and managers of the said company, in pursuance of an act of the general assembly of this commonwealth, entitled ‘An act to incorporate the Wrightsville and Gettysburg railroad company;’ Witness our hands this day of in the year of our Lord one thousand eight hundred and .” And shall thereupon give notice, in two newspapers printed in the county of Adams and York, and cities of Philadelphia and Baltimore, for twenty days at least, of the time and places when and where the said books shall be kept open to receive subscriptions for the stock of the said company, at which respective times and places, one or more of the commissioners shall attend, and permit all persons of lawful age who shall offer to subscribe in the said books, in their own names or in the names of any other persons who shall authorize the same, for shares in said stock, and the said books shall be kept open respectively for the said purpose, at least six hours in each judicial day, for the space of three days, or until there shall have been subscribed

Commissioners appointed

To procure books.

Form of subscription.

Notice.

Who may subscribe.

Books to be kept open.

Whole num. ber of shares. ten thousand shares ; and if at the expiration of three days, the book or books aforesaid shall not have the number of 10,000. shares aforesaid therein subscribed, the said commissioners may adjourn from time to time, and transfer the book or books elsewhere, until the whole number of ten thousand shares shall be subscribed, of which adjournment and transfer, the commissioners aforesaid shall give such public notice as the occasion may require ; and when the whole number of shares shall have been subscribed, then the books shall be closed.

When letters patent shall issue. **Section 2.** When two thousand shares or more of the stock shall have been subscribed, and the sum of five dollars paid on each and every share, the commissioners, or a majority of them, may certify to the Governor, under their hands and seals, the names of the subscribers, and the number of shares subscribed by each, and the sums paid thereon, whereupon, the Governor shall, by letters patent, under his hand and the seal of the commonwealth, create and erect the subscribers, and if the subscription be not full at the time, then also those who shall thereafter subscribe to the number of shares as aforesaid, into a body politic and corporate in deed and in law, by the name, style and title of “Wrightsville and Gettysburg railroad company ;” and by the same name the subscribers shall have perpetual succession, and be able to sue and be sued, plead and be impleaded in all courts of record and elsewhere, and to purchase, receive, have, hold and enjoy, to them and their successors, lands, tenements and hereditaments, goods, chattels and all estate, real and personal, or mixed, of what kind or quality soever, and the same from time to time to sell, mortgage, grant, alien or dispose of, and to make dividends of such portion of the profits as they may deem proper, and also to make and have a common seal, and the same to alter or renew at pleasure ; and also to ordain, establish and put in execution such by-laws, ordinances and regulations, as shall appear necessary and convenient for the government of the said corporation, not being contrary to the constitution and laws of the United States, or of this commonwealth, and generally to do all and singular, the matters and things which to them it shall lawfully appertain to do for the well being of the said corporation, and the due management and ordering the affairs of the same : *Provided*, That nothing herein contained shall be considered as in any way giving to the said corporation any banking, manufacturing or trading privileges whatsoever, or any other liberties, privileges or franchises, but such as may be necessary or incident to the making of the said railroad : *Provided further*, That the said company shall at no time hold or possess any land for any other purpose than the construction of the said railroad, or for toll houses, depots, weigh houses or other necessary works.

Name, style and title.

Powers.

Seal.

By-laws.

Proviso.

2d Proviso,

SECTION 3. The said named commissioners, or a majority of them, shall as soon as conveniently may be after the said letters patent shall have been obtained, give at least twenty days previous notice, in the newspapers herein before mentioned, of the time and place by them appointed for the subscribers to meet in order to organize the said company, and to choose by a majority of votes of the said subscribers, by ballot, to be given in person or by proxy, which proxy shall have been obtained and bear date within three months previously to the election at which such proxy shall be presented, duly authorized, one president and eight managers: The president and managers aforesaid, shall conduct the business of said company until the second Monday in May, then next ensuing, and until like officers shall be chosen, and may make such by-laws, rules, orders and regulations, as are not inconsistent with the constitution and laws of the United States, or of this state, and that may be necessary for the well governing the affairs of the company.

SECTION 4. The stockholders shall meet on the second Monday of May then next, as aforesaid, at such place as may be fixed upon by the by-laws, of which notice shall be given at least twenty days, in the newspapers before mentioned, and choose by a majority of votes present, their officers for the ensuing year, as mentioned in the third section of this act; and on the same day in each and every year thereafter, a like election shall take place, when the necessary officers shall be elected, to continue in office for one year, or until others are chosen; and the stockholders shall also meet at such other times as they may be summoned by the managers, in such manner and form as shall be prescribed by the by-laws, at which annual or special meeting, they shall have full power and authority to make, alter or repeal, by a majority of votes, in manner aforesaid, all such by-laws, rules, orders and regulations as aforesaid, to do and perform every other corporate act; and the number of votes to which each stockholder shall be entitled to at all elections, shall be according to the number of shares he or she shall hold, in the proportions following: that is to say, for each share not exceeding five shares, five votes; for every two shares above five and not exceeding ten, one vote; for every ten shares above ten and not exceeding forty, one vote; for every twenty shares above forty and not exceeding one hundred, one vote; but no share or number of shares above one hundred, shall confer any additional right of voting, and no share shall confer a right of suffrage which shall not have been holden three calendar months prior to the day of election, nor unless it be holden by the person in whose name it appears, absolutely and bona fide in his own right, or in that of his wife, or for his or her sole use and benefit, as an executor or administrator, trustee or guardian, or in the right

and for the use and benefit of some co-partnership, corporation or society, of which he or she may be a member, and not in trust for and to the use and benefit of any other person:

Proviso. *Provided*, That no person shall be permitted to vote at the first election of said company, unless he or she has fully paid five dollars on each share of stock by him or her subscribed, as directed by the second section of this act; and at all subsequent elections of said company, no person shall be permitted to vote unless he or she shall have fully paid all the instalments called for and then due on the shares by him or her subscribed; and all votes by proxy shall be on such terms and conditions as are prescribed by the act passed on the twenty-eighth day of March, in the year of our Lord one thousand eight hundred and twenty, entitled "An act to regulate proxies."

Proxies.

Manner of conducting elections. SECTION 5. The election of officers provided for in the fourth section of this act, shall be conducted in the following manner: that is to say, the managers for the time being shall appoint two of the stockholders not being managers, to be judges of the said election, and to conduct the same, who, after having severally taken and subscribed an oath or affirmation, before a justice of the peace, well and truly according to law to conduct such election, to the best of their knowledge and abilities; and the said judges shall decide upon the qualifications of the voters, and when the election is closed, shall count the votes, and the stockholders having the highest number of votes shall be declared duly elected; and if it shall at any time happen that an election of president or managers shall not be made, the corporation shall not for that cause be deemed to be dissolved, but it shall be lawful to hold and make such election of president or managers, on the same day, or any other day thereafter, giving at least ten days notice, signed by the president, in the newspapers before mentioned, of the time and place of holding said election, and they are hereby required so to do at least once in every twenty days, till the requisite officers are chosen, and the president and managers of the preceding year shall in that case continue to act, and be invested with all powers belonging to their respective situations, until an election shall take place: In case of death or resignation, or removal from the state, of any president, manager or other officer, his place shall be filled by the board of managers until the next annual election: *Provided*, That none but stockholders shall be eligible to be elected president or managers.

A failure to elect officers no dissolution of the corporation.

Vacancies.

Proviso.

Five to be a quorum. Chairman. SECTION 6. The president and managers shall meet at such times and places as shall be found most convenient for the transacting of their business, and when met, five shall be a quorum, who, in the absence of the president, may choose a chairman, and shall keep minutes of their transactions,

fairly entered in a book; and a quorum being formed, they Minutor. shall have full power and authority to appoint all such sur-Authority of veyors, engineers, superintendents and other artists and the board. officers, as they shall deem necessary to carry on the intended work, and to fix their salaries and wages, to ascertain the time, manner and proportions in which the said stockholders shall pay the monies due on their respective shares, to draw orders on the treasurer for monies, which orders shall be signed by the president, or in his absence by a majority of the managers present, and countersigned by the secretary, and generally to do all such other acts and matters and things, as by this act and by the by-laws and regulations of the company they are authorized to do.

SECTION 7. The president and managers first chosen shall procure certificates or evidence of stock for all the shares of the said company, and shall deliver one such certificate, signed by the president, and countersigned by the treasurer, and sealed with the common seal of the said corporation, to each person, for such share or shares by him subscribed and held, which certificate or evidence of stock shall be transferrable at his pleasure, in person or by attorney, duly authorized, in the presence of the president or treasurer, each of whom shall keep a book for that purpose, subject, however, to all payments due or to become due thereon, and the assignee holding any certificate, having first caused the assignment to be entered in a book of the company, to be kept for the transfer of stock, shall be a member of the said corporation, and for every certificate assigned to him as aforesaid, shall be entitled to a share or shares, as is therein mentioned, of the capital stock of all the estates and emoluments of the company incident to such share or shares, and to vote as aforesaid, at the meetings thereof, and subject to all penalties and forfeitures, and of being sued for all the balance and penalty due or to become due on each share, as the original subscriber would have been.

Certificates..
Seal.
Stock trans-
ferrable, and
how.

SECTION 8. If after thirty days notice, in the public papers aforesaid, of the time and place appointed for the payment of any proportion or instalment of the said capital stock, in order to carry on the work, any stockholder shall neglect to pay such proportion or instalment, at the place appointed, for the space of thirty days after the time so appointed, every such stockholder, or his assignee, shall, in addition to the instalment so called for, pay at the rate of two per centum per month for the delay of such payment; and if the same and additional penalty shall remain unpaid for such space of time as that the accumulated penalty shall become equal to the sums before paid in part and on account of such shares, the same shall be forfeited to the said company, and may be sold to any person or persons willing to purchase, for such price as can be obtained for the same; or

Notice.
Penalty of 2
per cent. per
month for
delay of
payment.
Forfeiture.

in default of payment by any stockholder of any such installment aforesaid, the president and managers may, at their election, cause suit to be brought, before a justice of the peace, or in any court having competent jurisdiction, for the recovery of the same, together with the penalty aforesaid.

Dividends
semi-an-
nually.

SECTION 9. Dividends of so much of the profits of the said company as shall appear advisable to the managers, shall be declared semi-annually, and paid to the stockholders, on demand, at any time after the expiration of ten days therefrom, but they shall in no case exceed the amount of the nett profits acquired by the company; and the said company shall annually pay into the state treasury a tax of eight per cent. on all dividends which may exceed six per cent. on the capital stock actually paid in.

Tax.

Power to lo-
cate the road.

Mode of lo-
cating.

SECTION 10. The president, managers and company of the said railroad, shall have power to survey, lay down, ascertain, mark, and fix such routes as they shall deem expedient for said railroad, with one or more tracks, beginning at the most eligible point on the Pennsylvania railroad, at or near Wrightsville, and to extend from thence, to intersect the continuation of the Pennsylvania railroad, westward from Gettysburg, at or near the west end of Gettysburg, in the county of Adams, and having due regard to the situation and nature of the ground, and of the buildings thereon, the public convenience and interest of the stockholders, and so as to do the least damage to private property, and to be so constructed as not to impede or obstruct the transit on the Pennsylvania railroad; and the said railroad shall not pass through any burying ground, or any place of public worship, or any dwelling house, without the consent of the owner thereof; nor shall it pass through any out buildings of the value of two hundred dollars, without such consent; and the said president, managers and company shall, within six months after ascertaining the route of the said railroad, cause an accurate survey of the lines of the said road to be made, a map or plot of which survey they shall cause to be filed in the secretary's office of this state, which map or plot, or a certified copy thereof, shall be sufficient evidence of the course of the said road, which may then be opened, and all the expenses incurred thereby shall be defrayed by the said company.

Where map
or plot of the
road is to be
filed.

May enter
upon lands.

Compensa-
tion for ma-
terials.

SECTION 11. It shall be lawful for the said president, directors and company, and their agents, and all persons employed by or under them, for the purpose contemplated in this act, to enter upon any land which they shall deem necessary for laying out said railroad, and also for the purpose of searching for stone, earth, or gravel, for constructing said road; but no stone, earth, or gravel, shall be taken away from any land, without the consent of the owner thereof, until the rate of compensation for the same be ascertained and paid, which rate of compensation, if the parties cannot

agree thereon, shall be ascertained in the manner hereinafter prescribed, as to the compensation for lands over which the said road may be laid.

SECTION 12. It shall and may be lawful for the company hereby incorporated, to make, erect, and establish a railroad on the route laid out as aforesaid, and they are also hereby empowered to erect, make, and establish all works, edifices, ^{Powers of} and devices to such railroad, as may by the said company ^{the company} be deemed expedient for the purpose of carrying into effect the objects of their incorporation, and also to contract or agree with the owner or owners for the purchase of any lands or tenements which may be necessary for the purpose of erecting the said railroad, weigh scales, toll houses, depots, ^{Scales, de-} and warehouses, or other necessary appendages. ^{pots, toll} ^{houses, &c.}

SECTION 13. Whenever it shall be necessary for the said president, directors, and company, to enter in and occupy, for the purpose of making said railroad, any land upon which the same may be located, if the owner or owners of the said land shall refuse to permit such entry and occupation, and the parties cannot agree upon the compensation to be made for any injury or supposed injury that may be done to said land by such entry and occupation, it shall and may be lawful for the parties to appoint five suitable and disinterested citizens of the counties of York and Adams, to estimate such damage, who shall be under oath or affirmation, ^{Damages to} ^{be estimated} ^{and how.} fairly and impartially to estimate the same, and the expenses incurred by the said appraisers shall be defrayed by the said railroad company; but if the parties cannot agree upon such persons, or if the persons so chosen shall not decide upon the matter, or if the owner of such lands shall refuse or neglect to join in such appointment, within twenty days after the requisition for that purpose upon him, or if such owner shall be feme covert, under age, non compos mentis, out of the state, or unknown, then it shall be lawful for the court of ^{Court to ap-} ^{point view-} ^{ers.} Common Pleas of the county of York or Adams, on application of either party, and at the cost and charges of said corporation, to appoint five disinterested men of said county to view, examine, and survey the said lands, tenements, and hereditaments, and estimate the injury or damage, if any, that in their apprehension will be sustained, as aforesaid, by reason of said railroad, and report the same, under their ^{Viewers to} ^{report under} oaths or affirmations, to the said court, which report being confirmed by the said court, judgment shall be entered ^{oath.} thereon, and the viewers shall be entitled to the like fees for their services as are allowed by law to viewers of public roads and highways, to be paid by said company; and it shall be the duty of the said appraisers, in estimating such injury or damage, to take into consideration the advantages that will be derived to the owner or owners of the said lands, from the said railroad: *Provided*, That either party may *Proviso.*

Appeals.

appeal to the court within twenty days after such report may have been filed in the Prothonotary's office of the proper county, in the same manner as appeals are allowed by the provisions of the arbitration act of the year eighteen hundred and ten, and upon the coming in of such report, and the confirmation thereof, or upon final judgment on appeal therefrom; and the said company shall pay to such owner the sum in such report or judgment specified, in full compensation for the injury sustained as aforesaid, and the said company, and all who act under them, shall be acquitted and freed from all responsibility for and on account of such

**Proviso as to
tender of
compensa-
tion.**

injury: *Provided*, Upon payment or tender of payment, by the said company, of the sum specified in the report of said viewers or appraisers, to the owner of said land, the said president and manager of said company, their agents or contractors for making or repairing the said road, may immediately take and use the same, without awaiting the issue of proceedings, as hereinbefore prescribed.

**Public roads
not to be ob-
structed.**

SECTION 14. The said railroad shall be so constructed by the said company, as not to obstruct or impede the free use and passage of any public road or roads which may cross or enter the same, being now laid out or hereafter to be laid out, and in all places where the said railroad may cross, or in any way interfere with any public road now laid out, shall be the duty of the said company to make, or cause to be made, a good and sufficient causeway or causeways, to enable all persons passing or traveling such public road to cross and pass over or under the said railway, which causeway or causeways shall be made and maintained by the said company; and if the said company shall refuse or neglect to make such causeway or causeways, or when made to keep the same in good repair, they shall be liable to pay a penalty of ten dollars for every day the same shall be neglected or refused to be made or repaired, after having been duly notified thereof, to be recovered by the supervisor of the township, with costs, for the use of the township, as debts of a like amount are by law recoverable, and shall, moreover, be liable to an action or actions at the suit of any person who may be aggrieved thereby, and the service of process upon any officer or agent of said company, shall be as good and available in law as if served upon the president thereof.

Penalty.

**Service of
process.**

**Relative to
causeways:**

SECTION 15. For the accommodation of all persons owning or possessing land through which the said railroad may or shall pass, and to prevent inconveniences to such persons in crossing or passing the same, it shall be the duty of said company, when required, to make or cause to be made, a good and sufficient causeway or causeways wherever the same may be necessary, to enable the occupant or occupants of said lands to cross or pass over or under the same, with wagons, carts and implements of husbandry, as the occasion

may require : *Provided*, That the said company shall in no *Proviso*. case be required to make or cause to be made, more than one such causeways through each plantation or lot of land, for the accommodation of any one person owning or possessing land through which the said railroad may or shall pass, and the said causeway or causeways, when so made, to be maintained and kept in repair by said company; and if said company shall refuse or neglect to make such causeway or causeways, or when made to keep the same in good repair, when duly notified thereof, the said company shall be liable to pay to *Company* any person aggrieved thereby, all damages sustained by such *liable for* person in consequence of such refusal or neglect, to be sued *damages sus-* for and recovered before any magistrate or any court having *tained*. cognizance thereof; and the service of process upon any officer or agent of said company, shall be as good and as available in law as if served upon the president thereof : *Provided*, That the owner or owners of land through which said railroad passes, shall not be prevented from constructing crossing places over or under such railroad, but the same to be such as are usually made by the company.

SECTION 16. No suit or action shall be brought or *prose-Relative to* cutted by any person or persons for penalties incurred under *suits being* this act, unless said suit or action shall be commenced *brought*. within six months next after the offence shall have been committed, or the cause of action shall have accrued, and the defendant or defendants in such suit or action may plead the general issue, and give this act and the special matter in evidence, that the same was done in pursuance and by authority of this act.

SECTION 17. The said company shall not prevent any *Lateral rail-* person or persons, being the owner or owners of land *bor-* roads. dering on said railroad, or adjacent thereto, from making such lateral railroads, and to connect them with said railroad from their said lands, as the said person or persons may conceive necessary.

SECTION 18. On the completion of said railroad, or any *Railroad to-* five miles thereof, the same shall be esteemed a public high- *be a public* way, for the conveyance of passengers and transportation of *highway*. merchandise and commodities, and the said company may charge and receive, not exceeding the rates of tolls per mile *Rates of toll*. for the transportation of passengers and all kinds of produce and commodities, and all transit or traveling on the said road, as are now charged on the Philadelphia and Columbia railroad : *Provided*, The said tolls do not reduce the nett *Proviso*. revenue and profits of the said company, below six per cent. per annum on the capital expended : *And provided further*, That *2d Proviso*. the legislature reserves the right to reduce and regulate the tolls hereby authorized.

SECTION 19. If any owner or driver of any car, carriage or conveyance whatsoever, upon the said railroad, shall pass

by any place appointed for receiving tolls without making payment, with intent to defraud the said company, he, she or they so offending, shall forfeit and pay for the use of the said company, the sum of twenty dollars, to be sued for and recovered by an action of debt, before any justice of the peace, in like manner and subject to the same rules and regulations as debts under one hundred dollars may be sued for and recovered, together with costs of suit.

SECTION 20. If any person or persons shall wilfully and knowingly break, injure, or destroy the railroad, or any part thereof, or any work, edifice, or device, or any part thereof, to be erected by the said company in pursuance of this act, he, she, or they, shall forfeit and pay to the said company three times the actual damages so sustained, to be sued for and recovered, with costs of suit, in any court having cognizance thereof, by action of debt, in the name and for the use of said company, and shall also be subject to indictment in the court of Quarter Sessions of the county in which the offence was committed, and upon conviction of such offence, shall be punished by fine and imprisonment, at the discretion of the court.

SECTION 21. If the president, managers and company, shall not proceed to carry on the said work within one year from the passage of this act, and shall not complete the same as aforesaid, in four years thereafter, according to the true intent and meaning of this act, or if, after the completion of the said railroad, as aforesaid, the said corporation shall suffer the same to go to decay, and be impassable for the term of three years, then this charter shall become null and void, except so far as compels said company to make reparation for damages.

SECTION 22. If any increase of the capital stock be deemed necessary for the stockholders to complete the said railroad, it may be lawful for the said president, managers and company, at a stated or special meeting, convened for the purpose, to increase the number of shares, so that they shall not exceed in the whole, twelve thousand, and to receive and demand the moneys for shares so subscribed, in like manner, and under like penalties, as is hereinbefore provided for the original subscription, or as shall be provided for by their by-laws.

SECTION 23. If the said company shall at any time misuse or abuse any of the privileges hereby granted, the legislature may resume, all and singular, the rights and privileges hereby granted; and the legislature also reserves the right for the purchase by the state, of the right, title and interest of the said company in the said railroad, with the appurtenances, at any time after thirty years from the passage of this act, by paying to said company a sum of money which, together with the tolls received, shall equal the costs

and expenses of said railroad, with an interest of eight per centum per annum thereon.

SECTION 24. The said Wrightsville and Gettysburg railroad shall be constructed of the same width of the Philadelphia and Columbia railroad, and be calculated to pass the locomotive engines running, and the cars of the said Philadelphia and Columbia railroad; and the said company shall at all times permit the locomotive engines running on the railroads of this state, with the cars attached thereto, to pass from end to end of said railroad, by paying the same tolls that shall be charged on the Pennsylvania railroads at that time. Rate of toll.

SECTION 25. The present Wrightsville, York and Gettysburg railroad company may, if they deem proper, surrender their present charter, and accept this in the place of it, and all the stock and property of said company shall become the stock and property of the company hereby authorized, such acceptance to be notified to the Governor, in thirty days after the passage of this act. This charter may be accepted by another comp'y.

NER MIDDLESWARTH,

Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,

Speaker of the Senate.

APPROVED—The twenty-first day of March, A. D. eighteen hundred and thirty-six.

JOS : RITNER.

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No. 53.

An Act

Authorizing the Governor to incorporate the Bristol and Newtown Railroad Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Alexander Boyd, Dr. Phineas Jenks, Chapman Buckman, David Hutchinson, Jesse S. Heston, Morris Buckman, Theodore Morris, Thomas Janney, John Yardley, Mahlon K. Taylor, Robert S. Trego, Joseph Archumbault,

	David B. Taylor, Ezra Buckman, Edward Yardley, Jonathan Wynkoop, Charles N. Craven, Garret Brown, Joshua Woolston, Alexander Vanhorn, David Roberts, P. Wykoff, Michael H. Jenks, Mardon Wilson, Robert A. Hunt, Joseph Jenks, Aaron Tomlinson, George Hartison, Joshua C. Canby, John W. Stackhouse, John Booz, Isaac Eyre, Daniel Jenks, John Buckman, James Worth, John L. Janney, William Flower, Samuel Comfort, James Moon, Arnald Myer, James P. Moore, Joshua Barker, John Paxson, William Swift, James R. Scott, John Dorrance, John Philips, Joseph Downing, Charles Lombaert, John Wynkoop, Charles Trego, Morris Isaac Ottis, Joseph R. Jenks, Edwards, Joseph T. Mathers, of the city and county of Philadelphia, be and they are hereby appointed commissioners, to do and perform the several things hereinafter mentioned: that is to say, they or any three of them shall
To procure books.	procure a sufficient number of suitable books, and in each of them enter as follows: viz. "We and each of us whose
Form of subscription.	names are hereunto subscribed, do promise to pay to the directors of the Bristol and Newtown railroad company, a
Price of shares, \$50 each.	sum of fifty dollars for every share of stock set opposite our respective names, and by us respectively subscribed, in such manner and proportions, and at such times and places as shall be determined and directed by the said directors in pursuance of an act entitled 'An act authorizing the Governor to incorporate the Bristol and Newtown railroad company.' Witness our hands, _____ in the year of our Lord one thousand eight hundred and thirty _____;" and thereupon give at least twenty days previous public notice in two of the daily papers printed in the city of Philadelphia and three in the county of Bucks, of the times when and places where some one or more of the aforesaid commissioners will attend, and receive subscriptions from all persons of lawful age who shall offer to subscribe in said books, which shall be kept open for the purposes aforesaid, at least six hours in every juridical day, for the space of three days or until there shall be subscribed in the said books the whole number of shares; and if at the expiration of three days the books aforesaid shall not have the number of shares aforesaid therein subscribed, then the said commissioners, at their discretion, may adjourn from time to time, and transfer the books elsewhere, until the whole number of shares aforesaid shall be subscribed, of which adjournment and transfer the commissioners aforesaid shall give such public notice as on any occasion may seem to them to require; but no subscription shall be valid unless the person so subscribing shall pay to the said commissioners at the time of making the same the sum of five dollars, on each share, for the use of the company.
Notice.	
Who may subscribe.	
Whole number of shares, 2000.	
\$5 on each share to be paid.	

SECTION 2. When two thousand shares or more shall be actually subscribed, and five dollars on each share paid to said commissioners, the said commissioners, or a majority of them, shall certify the same, under oath or affirmation, to the Governor of this commonwealth; and on the receipt of such certificate, the Governor shall, by letters patent, under his Letters patent hand and seal of the commonwealth, create and erect the said subscribers, and if the subscription be not full at the time, then those also who shall thereafter subscribe to the whole number of shares aforesaid, into a body politic and corporate, in deed and in law, by the name, style and title of "The Name, style Bristol and Newtown Railroad company;" and by the same and title. name, the subscribers shall have perpetual succession, and all the privileges, franchises and immunities incident to a Powers and corporation, may sue and be sued, plead and be impleaded, privileges. in all courts of record and elsewhere, may purchase, receive, hold and enjoy, to them and their successors and assigns, lands, tenements and hereditaments, goods, chattels, and all estates, real, personal and mixed, of what kind and quality soever, and the same from time to time to sell, mortgage, grant, alien or dispose of, and make dividends of such portions of the profits as they may deem proper; and also may make and have a common seal, and the same alter and Seal. renew at pleasure, and generally may do all and singular, the matters and things which to them it shall lawfully appertain to do, for the well being of the said corporation, and the due arrangement and ordering of the affairs and business of the same: *Provided*, That nothing herein contained shall be so Proviso. considered and construed as giving to the said corporation any banking privileges, or any other liberties, privileges or No banking franchises, but such as may be necessary or incident to privileges making and maintaining the said railroad, and to the con-granted. veyance of passengers, and the transportation of goods, merchandise and commodities thereon.

SECTION 3. For the management of the affairs of the said How compa- corporation, nine directors shall be elected, by ballot, annu-ny shall be ally, by the stockholders of the said company, the votes to-organized. be delivered in person or by proxy duly authorized, which directors shall appoint one of their own number to be president, and shall respectively serve one year, or until other directors be elected, and shall have power to make such by- By-laws. laws, rules, orders and regulations not inconsistent with the laws of the United States and of this commonwealth, as may be necessary for the well ordering of the affairs of the said company: *Provided*, That none but stockholders shall be Proviso. eligible to be elected directors, and that at every such election, and in all cases in which the stockholders shall be called upon to vote, each share of stock shall be entitled to Ratio of one vote, and also that in all cases of elections for directors, votes. the nine stockholders having the greatest number of votes, 9 Directors.

- 2d Proviso.** shall be declared duly elected : *And provided also,* That no share or shares of stock shall be entitled to vote at any election, or at any general or special meeting of the said company, on which any instalment or arrearages may have been due and payable, more than twenty days previously to the said election or meeting, and that all votes by proxy shall be on such terms and conditions as are prescribed by the act passed the twenty-eighth day of March, in the year one thousand eight hundred and twenty, entitled "An act to regulate proxies :"
Provided, That all proxies shall be dated within sixty days of the election, at which the same shall be presented.
- Proxies.**
- 3d Proviso,**
- Section 4.** The aforesaid commissioners, or a majority of them, shall, as soon as practicable after the said letters patent shall have been obtained, give at least fifteen days previous public notice in the newspapers hereinbefore mentioned, of the time and place by them appointed for the subscribers or stockholders to meet, for the purpose of electing nine directors, as provided for in the preceding sections, and that annually thereafter, shall meet on the second Monday in January, for the purpose of electing directors, as aforesaid, upon a like previous notice, to be given by the directors for the time being, in such newspapers as they may deem advisable : *Provided,* That if from any cause such election shall not be held at the time specified therefor, the same may be held at any other time, on notice as aforesaid, that until such election be held, the directors of the preceding year shall continue to act, and that this charter shall not be avoided by reason of the irregularity or want of such election : *And provided also,* That in case of vacancy from death or resignation of any director, his place shall be filled by the board of directors.
- Notice.**
- Annual election.**
- Proviso.**
- 2d Proviso.**
- Vacancy.**
- Meetings of directors.**
- Quorum.**
- Secretary & treasurer and other officers to be appointed, &c.**
- Section 5.** The said directors shall meet at such times and places, and be convened in such manner as they may hereafter agree upon; five directors shall be a quorum for the transaction of business, who, in the absence of the president, may appoint a president pro tempore; the said directors shall appoint a secretary, treasurer and such engineers and other officers as they may find necessary, shall fix their compensation, and may demand adequate security for the performance of their respective trusts; they shall have full power to ascertain and decide the time, manner and proportions in which the stockholders shall pay the money due on their respective shares, and to forfeit to the use of the company, the share or shares of every person failing to pay any instalment so required, to regulate tolls, to make such covenants, contracts and agreements with any person, co-partnership or body politic whatsoever, as the execution and management of the works, and the convenience and interest of the company may require, and in general, to superintend and direct

all receipts, disbursements and other affairs and proceedings of the company.

SECTION 6. The directors first chosen as aforesaid, shall issue a certificate to each stockholder, for the number of shares he or she shall subscribe for or hold in the said corporation, signed by the president, and countersigned by the treasurer, and sealed with the common seal, subject, however, to all the payments due, and to grow due thereon, which stock shall be transferrable in person or by attorney, executors, administrators, guardians, or trustees, under such regulations as may be provided by the by-laws: *Provided*, That after any instalment shall have been directed to be paid, no share of said stock shall be transferrable until the said instalment shall be paid.

SECTION 7. At each annual meeting of the stockholders, the directors of the preceding year shall exhibit to them a complete statement of the affairs and proceedings of the company for such year, and that special meetings of the stockholders may be called, by order of the directors, or by stockholders holding one fourth in amount of the capital stock, on like notice as that required for annual meetings, specifying, moreover, the object of the meeting, but no business shall be transacted at such special meeting, unless a majority in value of the stockholders shall attend in person or by proxy.

SECTION 8. The said company be, and they are hereby authorized, as soon as they conveniently can, to locate and construct a railroad of one or more tracks, from a suitable point in the village of Newtown, in the county of Bucks, to a point at or near the borough of Bristol, to connect with the Trenton and Philadelphia railroad company, and to make, construct, and erect toll houses, for the convenience of the said company, in the use of the said railroad: *Provided*, That if after examination shall be made of the different routes for the said railroad, the valley of the Neshamony creek shall be deemed the most practicable, the said railroad company shall, previously to the location on said route, cause a survey and examination to be made, by a competent engineer or engineers, with a view as well for the ground to be occupied by the location of the lock navigation, and works connected therewith, as the ground to be occupied by the location of said railroad, and the same shall not be located so as to interfere with the location of the lock navigation, whenever the same may be made by the company already incorporated, by the name and style of the Neshamony Lock Navigation company.

SECTION 9. It shall and may be lawful for the said company, their officers, engineers, and agents, to enter upon any lands, for the purpose of exploring, surveying, and locating the route of the said railroad, doing thereto no

unnecessary damage; and when the said route shall be determined by the said company, their agents, officers, engineers, contractors, and servants, at any time to enter upon, take possession of, and use such land, and also to take from any land in the neighbourhood, gravel and stone, for the purpose of constructing and maintaining such railroad, subject, however, to such compensation as the said company may have agreed to pay therefor, or as shall be ascertained in manner hereinafter respectively directed.

Compensation for stone and gravel.

Mode of valuing the land and damages sustained.

Sheriff's duty.

Mode of fixing the rate of compensation for materials.

SECTION 10. When the said company cannot agree with the owner or owners of such required land, for the purchase thereof, or for the damages sustained by such owner or owners, or as to the compensation to be paid to the owner or owners of any sand or gravel, taken for the purpose aforesaid, or where by reason of legal incapacity or absence of any owner or owners, no such agreement or purchase can be made, the court of Common Pleas for the proper county, on application thereto by or on behalf of either party, and at the costs and charges of said company, shall nominate and appoint twelve discreet and disinterested persons of the said county, and shall issue a precept to the sheriff of the said county, to summon the said twelve persons to meet on the land so required, or from whence the said materials shall or may be taken, at a day to be expressed in the warrant, not less than ten or more than twenty days thereafter, and the sheriff, upon receiving the said warrant, shall forthwith summon the said twelve persons, and shall give at least eight days notice to the respective parties, and the said sheriff shall attend at the time and place named in the warrant, and when nine or more of the said persons shall have appeared, shall, in the case of land so required, administer to each of them an oath or affirmation, "That he will faithfully, justly and impartially value the land occupied or required for such railroad or other works, and all damages which the owner or owners shall sustain, or may have sustained by reason of the construction of the said railroad and other works, taking into consideration the advantages as well as disadvantages of the same, to the owner or owners, according to the best of his skill and judgment;" and in the case of materials taken for the purpose aforesaid, "That he will faithfully, justly and impartially value the materials so taken, and fix the rate of compensation to be paid therefor, by the said company, to the said owner or owners, taking into consideration the advantages as well as the disadvantages arising from the construction of such railroad and other works, to the said owner or owners, according to the best of his skill and judgment;" whereupon, the said persons shall proceed to view the land so required, or the place from whence such materials shall or may be taken, as the case may be, and to hear the evidence of the respective parties, and their verdict, signed

by the sheriff and at least seven of the jury, shall be returned Sheriff and by the sheriff within five days thereafter, to the prothonotary jury. of the said county, who shall file the same; and the said sheriff and persons shall be entitled to the like fees for their Fees. respective services, as are allowed to the execution of an order issued by the Orphan's court for the valuation of lands of an intestate, under the intestate laws of this commonwealth.

SECTION 11. Either party shall be at liberty to make exceptions to any verdict, rendered according to the provisions of the preceding section, within twenty days after the same shall be returned and filed by the prothonotary as aforesaid, which exceptions shall be heard by the court of Common Pleas of the proper county, who may either affirm or set aside the same as shall be lawful and right, and if no such exceptions be filed within twenty days, or if any verdict be affirmed, then the verdict shall stand as a judgment against the party against whom it is given, but if any such verdict be set aside by the court, a new precept shall issue to the sheriff, in the manner before specified: *Provided*, That 1st Proviso. upon the subsequent proceedings, if the party excepting does not recover a verdict more favourable than the verdict so excepted to and set aside, such party shall pay all costs of such subsequent proceedings: *Provided*, That this act shall 2d Proviso. not be so construed as to prevent owners of land through whose property the said railroad passes, from constructing a causeway or crossing place over said railroad, but the same to be such as are usually made by the said company.

SECTION 12. That it shall be the duty of the said company Passages across the road to be made and kept in repair. to construct and keep in repair, good and sufficient passages across the said railroad, where any public road shall intersect and cross the same, so that the passage of carriages, horses, persons and cattle along the said roads, shall not be obstructed, and also, where the said railroad shall intersect any farm, to provide and keep in repair a suitable passage for the use of said farm.

SECTION 13. On the completion of the said railroad or any portion thereof, the same shall be esteemed a public highway, The road to be a public highway. for the conveyance of passengers and transportation of merchandise and commodities, under such regulations as shall be prescribed by the directors; and it shall and may be lawful for the said company to demand and receive such sum or sums of money for tolls of persons and property, as they shall from time to time think reasonable: *Provided*, That 1st Proviso. the toll on any species of property shall not exceed five cents per ton per mile, nor upon passengers more than three cents each per mile; and it shall be further lawful for the president and directors of the said company to prescribe the kind of carriages, wagons and conveyances, which shall be used on the said railroad for the transportation of persons and commodities, and to adapt such regulations as to the transit

of wagons and carriages on the said railroad, as may seem to them most conducive to the interests of the public and of persons using the same; and the legislature reserves the right to reduce and regulate the tolls hereby authorized.

Dividends.

Directors liable in their individual capacities in certain cases.

SECTION 14. Dividends of so much of the profits of the company as shall appear advisable to the directors, shall be declared at least twice a year, and paid to the stockholders or their legal representatives, on demand, at any time after the expiration of ten days therefrom, but they shall in no case exceed the amount of nett profits actually acquired by the company, so that the capital stock shall never be thereby impaired; and if the said directors shall make any dividend which shall impair the capital stock of the said company, those of them consenting thereto shall be liable in their individual capacities to the said company, for the amount of the stock so divided; and each director present when such dividend shall be made, shall be adjudged to be consenting thereto, unless he forthwith enter his protest on the minutes of the board, and give public notice thereof to the stockholders, at the declaring of such dividend; and the said company shall pay annually into the treasury of the commonwealth, a tax of eight per centum on all dividends which may exceed six per centum on the capital stock actually paid in.

The capital may be increased.

Proviso

SECTION 15. If it shall appear to said company that the amount of capital authorized by this act is insufficient to complete the said railroad, and to accomplish the several objects of this charter, it shall be lawful for the stockholders, assembled at any annual or special meeting, to increase the said capital to the necessary amount, by increasing the number of shares, and directing an additional subscription: *Provided*, That the said capital shall in no case be increased so as to exceed one million of dollars.

Road to be completed within ten years, and kept sound & passable, or charter to become null.

SECTION 16. If the said company shall not carry into effect the objects of their charter, within the term of ten years from the passing of this act, or if after the completion of the said railroad, the said corporation shall suffer the same to go to decay, and be impassable for the term of two years, then this charter shall become null and void, except so far as compels the said company to make reparations for damages.

Legislature reserves the right to purchase the road.

SECTION 17. If the said company shall at any time misuse or abuse any of the privileges hereby granted, the legislature may resume all and singular, the rights and privileges hereby granted to the said company; the legislature also reserves the right to purchase the right of the said company, and the said railroad, with its appurtenances, at any time after thirty years from the passage of this act, by paying to said company a sum of money, which, together with the tolls received,

shall equal the cost and expenses of said railroad, with an interest of eight per centum per annum thereon.

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The twenty-second day of March, Anno Domini, eighteen hundred and thirty-six,

JOS: RITNER.

—●●●—
No. 54.

An Act

To incorporate the Reiglesville Delaware Bridge Company.

Whereas, The legislature of the state of New Jersey, by Preamble an act passed the nineteenth day of December, A. D. one thousand eight hundred and thirty-five, entitled “An act to incorporate the Reiglesville Delaware bridge company,” have appointed and authorized five commissioners, therein named, who, with commissioners to be appointed by the commonwealth of Pennsylvania, shall be authorized to receive subscription to the capital stock of said company, at such times and places, in such manner and for such purposes, as are set forth in the said act; *And whereas*, The said act provides for the incorporating of the persons holding shares into a company, with certain powers, privileges and franchises, in the said act particularly set forth, to which act the concurrence of the legislature of the commonwealth of Pennsylvania is requested, in order that the same may be carried into effect; *And whereas*, It is represented to the legislature, by the petition of a number of the inhabitants of the counties of Hunterdon and Warren, that the erection of a bridge on the Delaware river, at or near Reiglesville, would be a great convenience and accommodation to the public,

Therefore:

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That William Long, John Houpt, Solomon*

Commissioners appointed Bachman, Isaac Stout, and Jesse Riegle, of the county of Bucks and Northampton, and commonwealth of Pennsylvania, be and they are hereby appointed commissioners, together with the commissioners appointed by the legislature of the state of New Jersey, as aforesaid, to receive subscription to the said capital stock; and that all the power and authority given by the above recited act of the legislature of the state of New Jersey, to the commissioners therein named, be and the same are hereby given to the commissioners appointed by this act.

Their powers and authority

Power and authority of the court of Bucks county, and of the company. SECTION 2. *And be it further enacted by the authority aforesaid,* That all and singular, the power and authority, privileges, franchises, and emoluments, given by the said recited act of the legislature of New Jersey to the justices of the Supreme court of said state, and the company to be incorporated by virtue of the said act, respectively be and the same are hereby given, in like manner, to the court of Common Pleas of the county of Bucks, and the said subscribers and the company to be incorporated by virtue of this act, and that the assent of this commonwealth be and the same is hereby given to the said recited act of the legislature of the state of New Jersey, and the same is hereby adopted, ratified and confirmed, by this commonwealth, as fully and amply as if the same had been re-enacted at large, section by section, and the provisions thereof shall be in full force and effect within this commonwealth, and the same shall be annexed to and printed with the laws of this state.

Adopting the act of New Jersey.

Capital stock \$20,000. \$50—price of each share.

SECTION 3. *And be it enacted by the Council and General Assembly of the State of New Jersey, and it is hereby enacted by the authority of the same,* That the capital stock of the Reiglesville Delaware bridge company shall amount to twenty thousand dollars, and that the same shall be divided into shares of fifty dollars each, and the subscribers to the said capital stock shall pay the sum or sums of money for the share or shares by them respectively subscribed, at such periods and in such proportions as the directors of the said company may determine.

Commissioners appointed SECTION 4. *And be it enacted,* That Philip Fine, Benjamin Reigle, Isaac N. Carpenter, Peter Tinsman, and James Long, be and they are hereby appointed commissioners on the part of this state, who, with commissioners to be appointed by the commonwealth of Pennsylvania, shall be authorized to receive subscriptions to the said capital stock, at such times and places as they or a majority of them may direct, giving notice thereof in two of the newspapers printed in the county of Bucks, in the state of Pennsylvania, and in two of the newspapers printed in the counties of Hunterdon and Warren, in this state, for at least twenty days, of the times and places where and when the said subscriptions shall be received; and at the time of subscribing for the said stock.

Notice of the times and places of taking subscriptions.

five dollars shall be paid upon each share subscribed for, to ^{\$5 on each} the commissioners, or some of them, which money shall be ^{share to be} paid over to the treasurer of the company, as soon as one ^{paid.} shall be appointed, and that the residue of the subscriptions shall be paid in such instalments, and at such times and places, and to such persons, as the president and directors of the company shall from time to time direct and give public notice of, and upon failure of payment thereof, as so directed, ^{Forfeiture} for thirty days thereafter, the said president and directors ^{for failing to} shall have power to forfeit the shares of each and every per- ^{pay instal-} son failing to pay the said instalments, or any of them, to ^{ments.} and for the use of the said company: *Provided*, That if the ^{Proviso.} number of shares subscribed for shall exceed the amount or number of shares authorized by this act to be subscribed for, that then the said commissioners shall apportion the said stock among such subscribers, in proportion to the amount or number of shares by them subscribed, as aforesaid.

SECTION 5. *And be it enacted*, That when two hundred ^{When incor-} shares are subscribed for, the persons holding the same shall ^{porated.} be and they are hereby incorporated into a company, by the name of the Reiglesville Delaware bridge company, and by ^{Name.} that name shall have perpetual succession, and shall be capable of taking and holding their said capital stock, and of enlarging the same from time to time by new subscriptions, ^{Capital stock} in such manner and form as they shall think proper, if such ^{may be en-} enlargement should be found necessary to fulfil the intent of ^{larged.} this act: *Provided*, Such increase does not, with the original ^{Proviso.} subscription, exceed the aforesaid capital of twenty thousand dollars, and the increase and profits; and of purchasing, taking and holding to them and their successors and assigns, ^{Powers and} in fee simple, or for any less estate, all such lands, tene- ^{privileges.} ments, hereditaments, and estates, real and personal, as may be necessary and convenient to them in the prosecution of their works, and the same to sell and dispose of at their pleasure; and of suing and being sued, pleading and being impleaded, in all courts of justice or any other place whatsoever.

SECTION 6. *And be it enacted*, That as soon as two hundred shares of the said capital stock shall be subscribed as aforesaid, it shall be the duty of the said commissioners to give notice, in two or more of the newspapers printed in the ^{Notice.} county of Bucks in the state of Pennsylvania, and in the counties of Hunterdon and Warren, in this state, of a time and place by them to be appointed, not less than thirty days from the time of issuing said notice; at which time and place the said stockholders shall proceed to organize the said com- ^{How the} pany, and shall choose, by ballot, in person or by proxy, ^{company} one president, six directors, one treasurer, and such other ^{shall be or-} officers as they shall think necessary to conduct the business ^{ganized.} of the said company for one year, and until other officers

- shall be appointed ; and may make such by-laws and regulations, not inconsistent with the laws and constitution of this state or of the United States, as shall be necessary for well ordering the affairs of the said company : *Provided*, That no person shall have more than twenty votes at an election, or determining any question arising at such meeting, whatever number of shares he may be entitled to, and that each person shall be entitled to one vote for every share by him held not exceeding ten, and one vote for every two shares above ten and not exceeding twenty, and one vote for every five shares above twenty, until the number of votes amounts to twenty.
- Proviso.** **Ratio of votes.** **Annual election.** **Certificates.** **Transferrable.** **Meetings of the board.** **5 members a quorum.** **Minutes.** **Power & authority of the board.** **Treasurer.** **Clerk.**
- SECTION 7.** *And be it enacted*, That the stockholders shall meet on the first Monday in November, in every succeeding year, at such place as shall be fixed by the by-laws of said company, for the purpose of choosing such officers for the ensuing year.
- SECTION 8.** *And be it enacted*, That the president and directors first to be chosen as aforesaid, shall issue certificates of stock to the several stockholders, respectively signed by the president, and countersigned by the treasurer of the said company, which certificates shall be transferrable at his or her pleasure, in person or by attorney, subject, however, to the payments due and that may grow due thereon, and the assignee holding any certificate, having first caused the assignment or transfer to be entered on a book of the company, to be kept by the treasurer for that purpose, shall, for every share of stock so held by him or her, be entitled to his or her equal proportion of the said capital stock, and of all the estates and emoluments of the company, and to vote as aforesaid, at the meetings thereof.
- SECTION 9.** *And be it enacted*, That the said president and directors shall meet at such times and places, and be convened in such manner as shall be agreed on for transacting their business ; at such meetings five members shall be a quorum, who, in the absence of the president may choose a chairman, and shall keep minutes of all their transactions, fairly entered in a book, and a quorum being met, they shall have full power and authority to agree with and appoint such engineers, superintendents, artists and other officers as they shall think necessary to carry on the said bridge, and to complete the same, and for their salaries and other wages, to determine the time, manner and proportions in which the stockholders shall pay the money due on their respective shares, to draw orders on the treasurer for all moneys that may be required, the same to be signed by the president or chairman, and countersigned by the clerk of the board ; and to do and transact all matters and things as by the by-laws or regulations of the said company shall be lawful.
- SECTION 10.** *And be it enacted*, That after the place for the erection of the said bridge shall be fixed, and before the

said president and directors shall proceed to erect the same, Mode of ob-
 it shall and may be lawful for the said president and direct- taining title
 ors to contract and agree with the owner or owners of any to any lands
 lands and tenements, for the purchase of so much thereof &c. necessa-
 as shall be necessary for the purpose of erecting and perfect- ry for the
 ing the said bridge, and making and establishing all the Bridge.
 necessary works and roads to and from the same, if they
 can agree with the owner or owners of the same, but in case
 they cannot agree, then it shall and may be lawful for the
 president and directors, to apply to one of the justices of the
 Supreme court of this state, not being a stockholder or
 otherwise interested, who, upon such application, is hereby
 authorized and directed to appoint three discreet and disin-
 terested freeholders of this state, who, after being duly sworn
 or affirmed, before any justice of the peace, faithfully to
 perform the duties enjoined on them by this act, shall pro-
 ceed to view and examine the said banks, and all such lands
 and tenements as shall be necessary for the purpose of
 erecting and perfecting the said bridge, and making and
 establishing all necessary works and roads to and from the
 same, and shall, according to the best of their skill and
 judgment, ascertain and estimate the injury and damage that
 will be sustained by the owner or owners of such lands and
 tenements, so necessary to be taken as aforesaid, and shall
 report what sum shall be paid by the said company for the
 same, which report shall be made in writing, under their
 hands and seals, or under the hands and seals of any two of
 them, and shall return the same, together with a map descri- Map of lands
 bing the metes and bounds of such lands and tenements, to to be filed in
 the Supreme court, next after they shall have agreed upon the clerk's
 and signed the same, and the said report having been con- office.
 firmed by the said Supreme court, shall be filed in the
 clerk's office of the said court, with the map aforesaid; and
 the said president and managers, having paid the said
 owners respectively, the several sums awarded to be paid to
 them in or by the said report, together with the fees of the Arbitrator's
 said arbitrators, at the rate of two dollars to each for every fees.
 day employed in the said business, and their necessary
 expenses, the said company shall be entitled to have and to
 hold, to them and their successors and assigns forever, the
 said lands and tenements, as fully and effectually as if the
 same had been granted to them by the respective owners
 thereof; and it shall and may be lawful thereupon, and not
 before, for the said president and directors to enter upon
 the said lands and tenements, and to commence and com-
 plete the erection of said bridge.

SECTION 11. *And be it enacted*, That it shall and may be May enter
 lawful for the president and the directors aforesaid, their into & upon
 superintendents, engineers, and artists of every kind, to lands for ma-
 enter into and upon all lands and enclosures near to the place terials.

Damages
how ascer-
tained,

Tender of
the appraised
value.

Fair and just
accounts to
be kept and
submitted to
the stock-
holders an-
nually.

Rates of toll.

where the said bridge is to be built, and to examine the ground, for the purpose of obtaining stone, gravel, or sand, necessary for the building of said bridge, and it shall and may be lawful for the said directors, overseers, superintendents, or any other person employed in building the said bridge, to enter with wagons, carts, sleds or sleighs, or beasts of burden or draught of any kind whatsoever, first giving notice to the owners, doing as little damage as possible, and repairing any breaches of fences they may have occasion to make, and first making amends for any damages that may be done, which damages shall be ascertained by the parties, if they can agree, or if they cannot agree, then by appraisement thereof, to be made upon oath or affirmation, of three disinterested freeholders of the neighborhood, or any two of them, to be mutually chosen, or if the owner, or managers, or superintendents, engineers, or artists, upon due notice, shall neglect or refuse to join in the choice, then the said freeholders, to be appointed by a justice of the peace of the county, not interested on either side, and the said managers, or other persons by them employed, as aforesaid, after tender of the appraised value to the owner, may enter and dig, take and carry away any stone, gravel, sand, or earth, most conveniently situated, for making and repairing said bridge.

SECTION 12. *And be it enacted*, That the president and directors of the said company shall keep fair and just accounts of all monies received by them, from the said commissioners, and from the stockholders, and of the amount of the profits, or shares that may be forfeited, as aforesaid, and of all voluntary contributions, and also, of all monies by them expended in the prosecution of the said work, and shall, at least once in each year, submit such accounts to a general meeting of the stockholders, until the said bridge be completed, and until all the costs, charges, and expenses for effecting the same, shall be fully paid and discharged, and the aggregate amount of all such expenses shall be liquidated and ascertained.

SECTION 13. *And be it enacted*, That when a good and complete bridge is erected over the said river Delaware, at the place aforesaid, the property of the said bridge shall be vested in the said company aforesaid, their successors and assigns forever, may demand and receive toll from travellers and others, not to exceed the following rates: for every coach, landau, chariot, phaeton, or other pleasurable carriages, with four wheels, drawn by four horses, the sum of seventy-five cents; for the same carriage with two horses, the sum of fifty cents; for every wagon with four horses, the sum of sixty-three cents; for every carriage of the same description drawn by two horses, the sum of fifty cents; for every chaise, riding chair, sulkey, cart, or other two wheel carriage, or a sleigh or sled, with two horses, the sum of

thirty-one and a fourth cents ; for the same with one horse, the sum of fifteen cents; for a single horse and rider, the sum of ten cents ; for every led or driven horse or mule, the sum of five cents ; for every foot passenger, the sum of two cents ; for every head of horned cattle, the sum of three cents ; for every sheep or swine, the sum of half a cent : *Proviso.*

Provided, That all persons going to and returning from funerals, persons going to or returning from meeting or church, children going to or returning from school, shall pass free of toll : *Provided also*, That in fixing the toll of all carriages^{2d} *Proviso.* drawn wholly by oxen, or partly by horses and partly by oxen, two oxen shall be estimated equal to one horse; and the said company shall so erect said bridge, as in nowise to injure, stop, or interrupt the navigation of the said river, or prevent boats or rafts from passing, or persons from fording the said river.

SECTION 14. *And be it enacted*, That if any person or persons shall wilfully cut, destroy, break, or remove from off the said bridge, or any part thereof, any piece or pieces of timber, plank or planks, stone or stones, chain or chains, bolt or bolts, or any other materials whatsoever belonging to said bridge, or otherwise wilfully or maliciously damage the same, ^{Penalty for} ^{damaging} ^{the bridge.} he, she, or they so offending, shall forfeit and pay for every such offence, over and above the damages done to the said bridge, the sum of thirty dollars, to be recovered in any court having cognizance thereof.

SECTION 15. *And be it enacted*, That if the said company, ^{Penalty for} ^{their successors or assigns, and whoever shall own or pos-} ^{exacting un-} ^{lawful toll, &} ^{for neglect-} ^{ing to repair} ^{the bridge.} sess the said bridge, shall collect or demand any greater rate or prices for the passing over the said bridge, than what are herein before prescribed and specified, or shall neglect to keep the said bridge in good repair, he, she, or they so offending, shall, for every such offence, forfeit and pay the sum of thirty dollars, one third thereof for the use of the poor of the county of Bucks, in the state of Pennsylvania, and one third thereof for the use of the poor of the township of Greenwich, in the county of Warren, and Alexandria, in the county of Hunterdon, and state of New Jersey, and the other third for the use of the person who may sue for the same : *Provi-* ^{Proviso.} *ded always*, That no suit or action shall be brought, unless within sixty days after each offence shall be committed.

SECTION 16. *And be it enacted*, That the said president ^{Ferries and} ^{and directors shall have power to agree with any owner or} ^{shad fisher-} ^{ies,} owners of ferries, or shad fisheries, that may be injured by the erection of the said bridge, and to compensate them for any damages they may thereby sustain ; and if they cannot agree with such owner or owners, then, in such case, the said damages shall be ascertained and paid in the same manner as is provided for in the ninth section of this act : *Provided*, ^{Proviso.}

That no person shall receive any compensation for ferrying at any ferry which shall have been purchased and paid for by the said company, after the said bridge shall have been completed.

Amount of
tolls.

Growing
fund.

Dividends
semi-annu-
ally.

This act not
to take effect
until Penn-
sylvania en-
acts one sim-
ilar.

Banking
privileges
prohibited.

SECTION 17. *And be it enacted*, That the said president, directors, and company, shall also keep a just and true account of all and every the moneys received by their respective collectors of tolls for crossing the said bridge, and shall make and declare a dividend of the profits and income thereof, among all the stockholders of the said company, deducting first therefrom all contingent costs and charges, and such proportion of said income as may be deemed necessary for a growing fund, to provide against the decay, and for rebuilding and repairing of the said bridge, and shall, on every first Monday in May and November in each and every year, publish the dividend to be made of the said clear profits thereof amongst the stockholders, and of the time and place where and when the same shall be paid, and shall cause the same to be paid accordingly.

SECTION. 18. *And be it enacted*, That this act shall not take effect or go into operation, until the legislature of the commonwealth of Pennsylvania shall pass a law appointing commissioners on their part, and vesting like power and authority in the subscribers to the said capital stock, of erecting a bridge at the place aforesaid, and of extending the same from shore to shore, with as full and ample powers, privileges, franchises, and emoluments, as to the said company are hereby given.

SECTION 19. *And be it enacted*, That nothing in this act contained shall be so construed as to authorise the said bridge company to exercise any banking privileges whatsoever, or to issue any notes in the nature of bank notes. The legislature reserves the right of altering, amending, or annulling this charter, when they think proper.

House of Assembly, November fifth, one thousand eight hundred and thirty-five.

This bill having been read three times, and compared in the House of Assembly,

Resolved, That the same do pass.

By order of the House of Assembly,

DANIEL B. RYALL,

Speaker of the House of Assembly.

In Council, November sixth, one thousand eight hundred and thirty-five,

This bill having been three times read in the Council,
Resolved, That the same do pass.

By order of the Council,

CHARLES SITGREAVES,
 Vice President of Council.

NER MIDDLESWARTH,
 Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
 Speaker of the Senate.

APPROVED—The twenty-second day of March, A. D.
 eighteen hundred and thirty-six.

JOS : RITNER.

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No. 55.

An Act

Making appropriations to the Eastern and Western Penitentiaries,
 and for other purposes.

SECTION. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That the sum of twenty thousand dollars be, \$20,000 ap-
 and the same is hereby appropriated for the completion of ^{appropriated to} the Western penitentiary, and the construction of a culvert ^{the Western} from the same to the Allegheny river, to be paid out of any ^{Penitentiary.} unappropriated moneys in the treasury, to be paid by warrants drawn by the Governor, in favour of the inspectors of said penitentiary: *Provided*, That the Governor shall have ^{Provide.} full power to draw warrants for said money, in such instalments only as in his opinion the progress of the work requires: *And provided also*, That the said inspectors furnish a de-2d Prov. .
 tailed statement of their accounts to the accountant department half yearly, to be settled and adjusted in the usual manner.

SECTION 2. The sum of fifteen thousand dollars be, and the \$15,000 to
 same is hereby appropriated to the Eastern penitentiary, and ^{the Eastern,}
 the sum of five thousand dollars be, and the same is hereby ^{and \$5000 to}
 appropriated to the Western penitentiary, as funds to be ^{Penitentiary}

Proviso. applied exclusively to manufacturing purposes: *Provided*, That the articles manufactured in said prisons shall not be sold to persons within this commonwealth at lower prices than articles of like quality are sold by others, or in any manner come into competition with free labour; the sum of fifteen thousand dollars to be paid to the inspectors of the Eastern, and the sum of five thousand dollars to be paid to the inspectors of the Western penitentiary, out of any unappropriated moneys in the treasury, to be paid by warrants drawn by the Governor, in favour of the inspectors of the respective penitentiaries.

Manufacturing accounts to be kept. SECTION 3. The respective board of inspectors shall cause to be kept separate and distinct accounts, to be called the manufacturing accounts, which shall be charged with the said sums of fifteen and five thousand dollars respectively, and in their annual settlement, they shall forward a copy of the same to the accounting department, and the said fund shall be exclusively held as a capital for the purchase of the raw material for the manufacturing department, particularly stating the quality of articles manufactured there, their different kinds, the quantity sold during the last year, as well as the quantity on hand, and the amount of profits, if any have accrued, so as to show the exact state of the capital, as near as may be, at the time of making such statement, and the inspectors shall not, under any contingencies, allow the same to be reduced to less than the respective sums of fifteen and five thousand dollars: *Provided*, That at the end of seven years, the sums hereby granted by the second section of this act, shall be returned to the commonwealth.

Profits.

Powers.

Fred'k Bittinger, 54 dollars eighty-four cents. SECTION 4. That the State Treasurer be, and he is hereby authorized and directed to pay to Frederick Bittinger, fifty-four dollars and eighty-four cents, with interest, from the thirty-first of May, A. D. one thousand eight hundred and twenty-seven, it being for money overpaid into the land office by said Bittinger, on the thirty-first of May, one thousand eight hundred and twenty-seven, through a mistake of the officer of that department.

New Prison in Philadelphia: SECTION 5. That it shall be the duty of the commissioners for the erection of a new prison and a debtor's apartment within the city and county of Philadelphia, to select and purchase a suitable site in the city or county of Philadelphia, the title of which shall be vested in the commissioners of said county, and erect thereon a building, to be called the Vagrant Apartment of the city and county of Philadelphia; and the expense of erecting the same shall be provided for and defrayed by the county commissioners of said county, on warrants drawn on them by the commissioners for building said prison; and the said county commissioners are hereby authorized and required to raise the money necessary therefor, in any mode or manner in which money for the

Site. title.

Vagrant apartment.

Authority of County Commissioners to raise the money.

ordinary purposes and expenses of said county may by law be raised or obtained.

SECTION 6. That all persons who may be convicted, Conviction according to the existing laws of this commonwealth, before of Vagrants the mayor, recorder or any alderman of the city of Philadelphia, or before any alderman or justice of the peace of the county of Philadelphia, as a vagrant or disorderly person, shall be sentenced to suffer confinement, at suitable employ-Sentence. ment, in the vagrant apartment of the city and county of Philadelphia, for the term of one month, and be fed, clothed and treated as convicts in the Philadelphia county prison are directed to be fed, clothed and treated.

SECTION 7. That so soon as the vagrant apartment is finished, furnished, and prepared for the reception of vagrants, it shall be the duty of the inspectors appointed under Duty of in- the act entitled "A supplement to the act entitled An act Spectors. to provide for the erection of a new prison and a debtors' apartment within the city and county of Philadelphia, and for the sale of the county prison in Walnut street, in said city," passed the fourteenth day of April, Anno Domini, eighteen hundred and thirty-five, to take charge of the same, and to adopt such rules and regulations, and appoint such officers and keepers as they may deem necessary.

SECTION 8. That the commissioners of the county of Phi- County com- ladelphia are hereby authorized and required to pay over to missioners to the commissioners for the erection of a new prison and a pay money for certain debtors apartment for the city and county of Philadelphia, purposes. such amount of money as may be required by the said commissioners to liquidate the balances due for materials and workmanship, and to furnish the southern block of cells of the Philadelphia county prison, and prepare the same for the reception of prisoners: *Provided*, The sum required does not *Proviso*. exceed thirty thousand dollars.

SECTION 9. That after the new county prison and debtors When the apartment, and the vagrant apartment, for the city and commission- county of Philadelphia, have been completed, and the ers for erect- inspectors of the Philadelphia county prison have taken pos- ing &c. shall session of the same, and the Arch-street prison has been have per- disposed of, and the proceeds of the sale, together with the formed cer- proceeds arising from the sale of the Walnut-street prison, then the tain duties, and Prune-street apartment, has been applied to the extin- whole matter guishment of the certificate of loans issued by the commis- to devolve on sioners for the erection of a new county prison and a debtors the county commission- apartment, so far as the same can be extinguished, the balance ers. of the said sales shall then be paid into the county treasury, by the said commissioners; and they are hereby authorized to deliver their books and vouchers to the commissioners of Philadelphia county, who are hereby required to take charge of the same, to issue their certificates of stock, make transfers, and pay principal and interest on loans, as they become

Proviso.

2d Proviso.

due; and from that period the duties required to be performed by the commissioners for the erection of a new county prison and a debtors apartment, as relates to the payment of the interest on the loans, and to the transfer of the same, shall devolve on the commissioners of Philadelphia county, and that the duties of the commissioners for the erection of the said prison and debtors apartment, shall cease and determine: *Provided*, That in the settlement of the accounts of the inspectors of the prison, and guardians of the poor, the auditors shall attend at the prison and almshouse respectively; and no book or papers shall be taken from said institutions: *Provided*, The foregoing provisions in relation to a vagrant apartment, shall be first approved by the county board.

NER MIDDLESWARTH,

Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,

Speaker of the Senate.

APPROVED—The twenty-second day of March, A. D. eighteen hundred and thirty-six.

JOS: RITNER



No. 56.

An Act

To incorporate the New Hope, Doylestown and Norristown Railroad Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That Lewis S. Coryell, Elias Ely, Isaac Vanhorn, Daniel Parry, Simpson Torbert, Moses Eastburn, Guy Bryan, John Fox, E. T. M'Dowell, Charles H. Mathews, John Robarts, Henry Chapman, Nathaniel Shewell, William Carr, Hugh B. Ely, William Watson, Charles E. Dubois, S. D. Ingham, Stephen Brock, John Beatty, John Pugh, Thomas Ross, Wm. H. Johnson, Samuel Sutton, Joseph Anderson, Aaron Bradshaw, David Ryal, James Wier, Jacob Markley, of Bucks county; Evan Jones, David Acuff,

Dr. Antrim Foulke, John Freedley, Thomas M. Jolly, James Commission-
H. Webb, Walter W. Paxson, John B. Sterigere, Joseph For-ers.
nance. Lewis Jones, Evan Lester, Jacob Cassell, Charles
F. Jenkins, Daniel H. Mulvany, Mordecai R. Moore, John
Lloyd, Moses Lukens, Charles Jarrett, Yeamans Paul, of
Montgomery county; Peter Wager, John Keefe, Isaac Otis,
Richard Morris, Pierson A. Reading, James Page, Doctor
Samuel Moore, Charles McAllister, Benjamin Duncan, M.
C. Ralston, Doctor Moses B. Smith, William Newbold, John
Price Wetherill, Peter Baker, John White, Richard Price,
John Miles, Jonathan K. Hassinger, John S. Riddle, Wm.
D. Lewis, Benjamin E. Carpenter, Benjamin S. Bonsall,
James M'Cormick, of Philadelphia, or any six of them, be,
and they are hereby appointed commissioners to do and per-
form the several things hereinafter mentioned, that is to say:
they shall, on or before the first day of June next, procure a To procure
book or books, which shall be opened at some convenient books.
place or places in the counties of Bucks and Montgomery,
and city of Philadelphia, in which they shall enter as follows:
“ We, whose names are hereunto subscribed, do promise to Form of sub-
pay to the president and managers of the New Hope, Doyles-cription.
town and Norristown railroad company, the sum of fifty dol-Shares \$50
lars for each share of the stock set opposite to our respective each.
names, in such manner and such proportions, and at such
times as shall be determined by the president and mana-
gers of the said company, in pursuance of an act of the
general assembly of this commonwealth, entitled ‘An act to
incorporate the New Hope, Doylestown and Norristown rail-
road company.’ Witness our hands, this day
of in the year of our Lord one thousand eight
hundred thirty-six.” And shall thereupon give notice, in Notice.
one more newspapers printed in the counties of Bucks and
Montgomery, and in the city of Philadelphia, three weeks at
least, of the times and places when and where the said
books shall be kept open to receive subscriptions for the
stock of the said company, at which respective times and
places, one or more of the said commissioners shall attend,
and permit persons of lawful age who shall offer to sub-Who may
scribe in the said books, in their own names, or in the names subscribe.
of any other persons who shall authorize the same, for shares
in said stock; and the said books shall be kept open respect-
ively for the space of six days, or until there shall have been Whole num-
subscribed five thousand shares, and if at the expiration of ber of shares
six days the books aforesaid shall not have the number of 5,000.
shares aforesaid therein subscribed, the said commissioners
may adjourn from time to time, and transfer the books at
pleasure, until the whole number of five thousand shares shall
be subscribed; and when the whole number of shares shall
be subscribed, the books shall be closed: *Provided*, That no *Proviso*.
person shall be permitted to subscribe for more than ten

shares on the first day, or more than fifty shares on the second day, after which any person may subscribe for any number of shares until the whole stock is taken.

When letters patent shall issue.

Name, style and title.

Powers and privileges.

Proviso.

Notice.

Company to be organized, and how.

SECTION 2. When one thousand shares or more of the said stock shall be subscribed, and the sum of five dollars paid on each and every share, the commissioners, or any six of them, may certify to the Governor, under their hands and seals, the names of the subscribers, and the number of shares subscribed by each, and the sums paid thereon, whereupon the Governor shall, by letters patent, under his hand and seal of the commonwealth, create and erect the subscribers, and if the subscription shall not be full at the time, then also those who shall thereafter subscribe to the number of shares as aforesaid, into a body politic and corporate, in deed and in law, by the name, style and title of the "New Hope, Doylestown and Norristown railroad company," and by the same name the subscribers shall have perpetual succession, and be able to sue and be sued, implead and be impleaded, in all courts of record and elsewhere, and to purchase, receive, have, hold and enjoy, to them and their successors, lands, tenements and hereditaments, goods, chattels, as may be necessary and requisite to carry on the business of said company, and real estate, personal or mixed, of what kind or quality soever, and the same from time to time to sell, mortgage, grant, alien or dispose of, and to make dividends of such portion of the profits as they may deem proper, and also to make and have a common seal, and the same to alter or renew at pleasure, and also to ordain and establish and put in execution such by-laws, ordinances and regulations, as shall appear necessary and convenient for the government of the said corporation, not being contrary to the constitution and laws of the United States or of this commonwealth, and generally to do all and singular, the matters and things which to them it shall lawfully appertain to do for the well being of the said corporation, and the due management and ordering the affairs of the same: *Provided*, That nothing herein contained shall be considered as in any way giving to the said corporation any banking, manufacturing or trading privileges whatsoever, or any other liberties, privileges or franchises, but such as may be necessary or incident to the making of the said railroad, cars, locomotives, fixtures and devices proper and convenient for facilitating traveling or transportation on the said railroad.

SECTION 3. The said named commissioners, or any six of them, shall, as soon as conveniently may be after the said letters patent shall be obtained, give at least twenty days notice in the newspapers hereinbefore mentioned, of the time and place by them appointed for the subscribers to meet, in order to organize the said company, and to choose by a majority of votes of the said subscribers, by ballot, to be

given in person or by proxy, which proxy shall have been *Proxies.* obtained and bear date within three months previously to the election at which such proxy shall be presented, duly authorized, one president and nine managers, all of whom shall be residents of this commonwealth, a treasurer and a secretary, and such other officers as shall be deemed necessary; that the president and managers aforesaid shall conduct the business of said company until like officers shall be chosen, and may make such by-laws, rules, orders and regulations, *By-laws.* as are not inconsistent with the constitution and laws of the United States or of this state, and that may be necessary for the well governing the affairs of the company.

SECTION 4. The stockholders shall meet on the first Annual election Monday in November in every year, at such place as may be fixed upon by the by-laws, of which notice shall be given at Notice. least twenty days, by the secretary, in the newspapers before mentioned, and choose by a majority of votes present, their officers for the ensuing year, as mentioned in the third section of this act, who shall continue in office for one year and until others are chosen, and at such other times as they may be summoned by the managers, in such manner and form as shall be prescribed by the by-laws, at which annual or special meeting, they shall have full power and authority to make, alter and repeal, by a majority of votes, in manner aforesaid, all such by-laws, rules, orders and regulations, as aforesaid, to do and perform every other corporate act, and the number of votes each stockholder shall be entitled to, shall be *Ratio of* according to the number of shares he or she shall hold, and *votes.* no share shall confer a right of voting unless it be holden by the person in whose name it appears, absolutely in his own right, or in that of his wife, or for his or her sole use and benefit, or as an executor or administrator, trustee or guardian, or in the right and for the use and benefit of some co-partnership, corporation or society: *Provided,* That no *Proviso,* person shall be permitted to vote at the first election of the said company, unless he or she have fully paid five dollars on each share of stock by him or her subscribed, as directed by the second section of this act, and at all subsequent elections of said company, no person shall be permitted to vote unless he or she shall have fully paid all the instalments called for and then due on the shares by him or her subscribed.

SECTION 5. The election of officers provided for in the fourth section of this act, shall be conducted in the follow- *Manner of* ing manner, that is to say: the managers, for the time being, *conducting* shall appoint two of the stockholders not being managers, *electio* to be judges of the said election, and to conduct the same, *Judges of* after having severally taken and subscribed an oath or affirma- *elections* tion, before an alderman, judge or justice of the peace, well and truly and according to law to conduct such election, to the best of their knowledge and abilities; and the said judges shall

- decide upon the qualification of the voters, and when the election is closed, shall count the votes and declare who is elected; and if it shall at any time happen that an election of president, managers, treasurer, secretary or other officers, shall not be made, the corporation shall not for that cause be deemed to be dissolved, but it shall be lawful to hold and make such election of president, managers, treasurer, secretary or other officer, on the same day, or any other day thereafter, by giving at least ten days notice, signed by the president or secretary, in the newspapers before mentioned, of the time and place of holding said election; and the president, managers, treasurer, secretary and other officers of the preceding year, shall in that case continue to act, and be invested with all the powers belonging to their respective situations, until an election shall take place; and in the
- Vacancies.** case of death or resignation, or removal from the state, of any president, manager, treasurer, secretary or other officer, his place shall be filled by the board of managers until the next election.
- Meetings of the board.** **SECTION 6.** The said president and managers shall meet at such times and places as shall be found most convenient for the transacting of their business, and when met, five shall be a quorum, who, in the absence of the president, may choose a chairman, and shall keep minutes of their transactions, fairly entered in a book; and a quorum
- Quorum.** being formed, they shall have full power and authority to appoint all such surveyors, engineers, superintendents and other artists and officers as they shall deem necessary to carry on the intended work, and to fix their salaries and wages, to ascertain the times, manner and proportions in which the said stockholders shall pay the money due on their respective shares, to draw orders on the treasurer for moneys, which shall be signed by the president, or in his absence by a majority of the managers present, and countersigned by the secretary, and generally to do all such other acts, matters and things, as by this act and the by-laws and regulations of the company they are authorized to do.
- Power of the board.** **SECTION 7.** The president and managers first chosen shall procure certificates of stock for all the shares of the said company, and shall deliver one such certificate, signed by the president, and countersigned by the treasurer, and
- Certificates.** sealed with the common seal of the corporation, to each person for the share or shares by him subscribed and held,
- Seal.** which certificate or evidence of stock shall be transferrable at his pleasure, in person or by attorney, (duly authorized in the presence of the president or treasurer, each of whom shall keep a book for that purpose,) subject however to all payments due or to become due thereon; and the assignee holding any certificate, having first caused the assignment to be entered in a book of the company to be kept for the
- Transfer.**

transfer of stock, shall be a member of the said corporation, and for every share assigned, shall be entitled to one share of the capital stock, of all the estates and emoluments of the company incident to one share, and to vote as aforesaid at the meetings thereof, and subject to all penalties and forfeitures, and being sued for all the balance and penalty due or to become due on each share, as the original subscriber would have been.

SECTION 8. If after thirty days notice in the public papers Penalty for aforesaid, of the time and place so appointed for the payment delay of pay- of any portion or instalment of the said capital stock, in ment order to carry on the work, any stockholder shall neglect to pay such proportion or instalment, at the place appointed, for the space of thirty days after the time so appointed, every such stockholder or his assignee shall, in addition to the instalment so called for, pay at the rate of one per centum per month for the delay of such payment; and if the same and additional penalty shall remain unpaid for such space of time as that the accumulated penalty shall become equal to the sums before paid in part and on account of such shares, the same shall be forfeited to the said company, and Forfeiture. may be sold to any person or persons willing to purchase, for such price as can be obtained for the same, or in default of payment by any stockholder of any such instalment as aforesaid, the president and managers may, at their election, cause suit to be brought, before an alderman or justice of the Suit. peace, or in any court having competent jurisdiction, for the recovery of the same, together with the penalty aforesaid: *Provided*, That no stockholder, whether original subscriber Proviso. or assignee, shall be entitled to vote at any election, or at any general or special meeting of the said company, on whose share or shares any instalments or arrearages may be due and payable more than thirty days previously to the said election or meeting.

SECTION 9. The president and managers of the said com- Treasurer to pany shall demand and require of and from the treasurer, give bond. and all and every officer and other person by them employed, bonds in sufficient penalties, and with such securities as they shall by their rules, orders and regulations, require for the faithful discharge of the several duties and trusts to them or any of them committed respectively.

SECTION 10. Dividends of so much of the profits of the Dividends institution as shall appear advisable to the president and semi-annu- managers, shall be declared at least twice a year, and paid ally. to the stockholders on demand, at any time after the expiration of ten days therefrom, but they shall in no case exceed the amount of nett profits actually acquired by the company, so that the capital stock shall never be thereby impaired; if the said president and managers shall make any dividend which shall impair the capital stock of said institution, the

Liability of president & managers! president or managers consenting thereto, shall be liable in their individual capacities to said company for the amount of the stock so divided; and each manager present when such dividend is made, shall be judged to be consenting thereto, unless he forthwith enter his protest on the minutes of the board, and give public notice to the stockholders at the declaring of such dividend: *Provided*, No dividend shall exceed fifteen per cent. per annum, nor shall the contingent fund of the company at any time exceed one fourth of their capital stock; and said company shall pay annually into the treasury of the commonwealth a tax of eight per centum per annum on all dividends which may exceed six per centum on the capital stock actually paid in.

Protest.

Proviso.

Tax.

Route. SECTION 11. The president, managers and company of the said railroad company, shall have power to survey, lay down, ascertain, mark and fix such route as they shall deem expedient for said railroad, within the counties of Bucks and Montgomery, beginning at a convenient point of intersection at the river Schuylkill, or with any railroad now made, or hereafter to be made, at or near the borough of Norristown, in the county of Montgomery, or if deemed more expedient, at some convenient point of intersection in the contemplated railroad from Norristown to Allentown, at or near New Hope, and thence through the counties of Bucks and Montgomery, by the way of Doylestown, to the river Delaware at New Hope, having due regard to the situation and nature of the ground, and of the buildings thereon, the public convenience, and the interest of the stockholders, and so as to do the least damage to private property; and the said road shall not be more than five rods wide, and shall not pass through any burying-ground or place of public worship, nor dwelling-house, without the leave of the owner thereof; and the said corporation, having obtained the necessary authority from the legislature of New Jersey so to do, may also construct a bridge across the Delaware river, at the termination of their road, and extend their railroad across the same; and the said president, managers and company shall, within six months after ascertaining the route of the said railroad, cause an accurate survey of the lines of the said road to be made, a map or plot of which survey they shall cause to be filed in the Secretary's office of this state, which map or plot, or a certified copy thereof, shall be sufficient evidence of the course of the said road, which may then be opened, and all expenses incurred thereby shall be defrayed by the said company.

Width of road.

Bridge.

Map or plot of road.

SECTION 12. It shall be lawful for the president, managers and company of the said railroad company, and their agents, and all persons employed by or under them for the purpose contemplated in this act, to enter upon any land they shall deem necessary for laying out said road, and also for

May enter upon any land for materials.

the purpose of searching for and procuring stone, earth, sand and gravel for constructing said road; but no stone, earth, sand or gravel shall be taken away from any seated land without the consent of the owner thereof, until the rate of compensation for the same be ascertained, which rate of Compensation, if the parties cannot agree thereon, shall be ascertained in the manner hereafter prescribed, as for the compensation for lands over which the said road may be laid.

SECTION 13. It shall and may be lawful for the company hereby incorporated to make, erect or establish, a double or single track railroad, on the route laid out as aforesaid, with lateral spurs, not exceeding one and an half miles in length; and said company are also hereby empowered to erect, make and establish all works, edifices and devices to such railroad, as may by the said company be expedient for the purpose of carrying into effect the objects of their incorporation, and also to contract and agree with the owner or owners of any lands or tenements which may be necessary for the purpose of erecting the said railroad, works, devices and edifices.

SECTION 14. Whenever it shall be necessary for the president, managers and company of the said railroad company to enter in and upon, and occupy, for the purpose of making such railroad, any land upon which the same may be located, if the owner or owners of the said land shall refuse to permit such entry and occupation, and the parties cannot agree upon the compensation to be made for any injury or supposed injury that may be done to said land by such entry and occupation, it shall and may be lawful for the parties to appoint six suitable and disinterested persons to estimate such damages, who, or a majority of whom, under oath or affirmation fairly and impartially to estimate the same, and who shall reside in the proper county where the land lies, and the expenses incurred by the said appraisers shall be defrayed by the said railroad company; but if the parties cannot agree upon such persons, or if the persons so chosen shall not decide upon the matter, or if the owner of such land shall refuse or neglect to join in such appointment within twenty days after requisition for that purpose upon him, or if such owner shall be feme covert, under age, non compos mentis, out of the state or unknown, then it shall be lawful for the court of Common Pleas of the county in which the land lies, on application of either party, and at the cost and charges of said corporation, to appoint six disinterested persons, men of said county, to view, examine and survey the said lands, tenements or hereditaments, and estimate the injury or damage, if any in their apprehension will be sustained, as aforesaid, by reason of said railroad, and report the same, under their oaths or affirmations, to the said court, which report being confirmed by the said court, judgment

Proviso.

2d Proviso.

**Bridges or
causeways
to be kept up
at crossing
places.**

**Penalty for
neglect.**

shall be entered thereon; and the viewers shall be entitled to the like fees for their services as are allowed by law to viewers of public roads and highways, to be paid by said company, and it shall be the duty of the said appraisers, in estimating such injury or damage, to take into consideration the advantages that will be derived to the owner or owners of the said lands from the said railroad: *Provided*, That either party may appeal to the court within thirty days after such report may have been filed in the prothonotary's office of the proper county, in the same manner as appeals are allowed in other cases, and upon the coming in of such report, and the confirmation thereof, or upon final judgment or appeal therefrom; and the said company shall pay such owner the sums in such report or judgment specified, in full compensation for the injury sustained as aforesaid, and the said company and who act under them, shall be acquitted and freed from all responsibility for and on account of such damage or injury: *Provided*, That upon payment, or tender of payment by the said company, of the sum specified in the report of said viewers or appraisers, to the owner of said land, the said president and managers, their agents or contractors for making or repairing the said road, may immediately take and use the same, without awaiting the issue of proceeding, as hereinbefore prescribed.

SECTION 15. The said railroad shall be so constructed by the said company as not to obstruct or impede the free use and passage of any canal, public road or roads which may cross or enter at the same, being now laid out or hereafter to be laid out, and in all places where the said railroad may cross or in any way interfere with any public road or canal, it shall be the duty of the said company to make, or cause to be made, a good and sufficient bridge, causeway or causeways, to enable all persons passing or traveling such canal or public road, to cross and pass over or under the said railway, which bridge and causeway or causeways, shall be made and maintained by the said company; and if the said company shall refuse or neglect to make such bridge, causeway or causeways, or when made to keep the same in good repair, they shall be liable to pay a penalty of ten dollars for every day the same shall be neglected or refused to be made or repaired, to be recovered by the supervisor of the township, with costs, for the use of the township, as debts of like amount are by law recoverable, and shall moreover, be liable to an action or actions, at the suit of any person who may be aggrieved thereby; and the service of process upon any officer or agent of said company, shall be as good and as available in law as if served upon the president thereof.

SECTION 16. For the accommodation of all persons owning or possessing land through which the said railroad may or shall pass, and to prevent inconveniences to such persons in

crossing or passing the same, it shall be the duty of the said **Private** company, when required, to make, or cause to be made, a **causeways**. good and sufficient causeway or causeways, wherever the same may be necessary, to enable the occupant or occupants of said lands to cross or pass over or under the same with wagons, carts and implements of husbandry, as the occasion may require : *Provided*, That the said company shall in no **Proviso**. case be required to make, or cause to be made, more than one such causeway through each plantation or lot of land, for the accommodation of any one person owning or possessing land through which the said railroad may or shall pass ; and the said causeway or causeways when so made, shall be maintained and kept in repair by said company, and if said company shall refuse or neglect to make such causeway or **Penalty for** causeways, or when made to keep the same in good repair, **neglect**. the said company shall be liable to pay any person aggrieved thereby, all damages sustained by such person in consequence of such refusal or neglect, to be sued for and recovered before any magistrate, or court having cognizance thereof ; and the service of process upon any officer or agent of said company, shall be as good and available in law as if served upon the president thereof : *Provided*, That this **2d Proviso**. act shall not be so construed as to prevent owners of land through whose property the said railroad passes, from constructing a causeway or crossing place over said railroad, but the same to be such as are usually made by the said company.

SECTION 17. No suit or action shall be brought or **prose-** Suit to be
cuted by any person or persons for penalties incurred under **commenced**
this act, unless said suit or action shall be commenced within **within thirty**
thirty days next after the offence shall have been committed, **days after of-**
or the cause of action shall have accrued, and the defendant **fence**.
or defendants in such suits or actions, may plead the general
issue, and give this act and the special matter in evidence, and
that the same was done in pursuance and by authority of this
act.

SECTION 18. The company shall not prevent any person
or persons being the owner or owners of lands bordering on
the said railroad or adjacent thereto, making such lateral **Lateral rail-**
railroads, and to connect them with the said railroad from **roads**.
their said lands, as the said person or persons may conceive
necessary, for the purpose of transporting merchandise,
stone, timber, produce or coal upon the said railroad.

SECTION 19. On the completion of any part of the said **Road to be a**
road, the same shall be esteemed a public highway, free **public high-**
for the transportation of all commodities, and the said com- **way**.
pany may charge and receive tolls, and for freights on, and **Tolls**.
for the transportation of goods, wares and merchandises, at
the following rates, that is to say: on each ton of coal one
and a half cents per mile; on each ton of salt, brick, gypsum

Tolls.

and lime, one and a half cents per mile; on lumber, squared and round, per one hundred feet solid, two cents per mile; on boards, plank and scantling, or other sawed stuff reduced to inch stuff, one cent per thousand feet per mile; on shingles per thousand, one cent per mile; on staves and heading for pipes and hogsheads, per mile two cents per thousand; and staves and heading for barrels and other vessels of less size, one cent per mile per thousand; on each passenger five cents per mile; all other articles not enumerated, two cents per ton per mile; on all single and detached articles weighing less than a ton, it shall be lawful to charge and receive on the transports thereof, an advance of twenty per cent, on the rates as above established: *Provided*, That every person or persons using the said road, shall only use those carriages, wagons and conveyances which shall be adapted thereto, which said carriages, wagons and conveyances, to be used thereon for the transportation of persons or commodities, shall be prescribed by the said company, and the legislature reserves the right to reduce the tolls.

Proviso.

Penalty and punishment for injuring the railroad, &c.

SECTION 20. If any person or persons shall wilfully and knowingly break, injure or destroy the railroad, or any part thereof, or any work, edifice, car, engine or other device, or any part thereof, to be erected by the said company in pursuance of this act, he, she or they, shall forfeit and pay to the said company the actual damages so sustained, to be sued for and recovered, with costs of suit, in any court having cognizance thereof, by action of debt, in the name of and for the use of said company, and shall be subject to indictment in the court of Quarter Sessions of the proper county, and upon conviction of such offence, shall be punished by fine and imprisonment, at the discretion of the court.

Work to be commenced & completed within a certain time, otherwise charter to be null.

SECTION 21. If the president and managers, and said company, shall not proceed to carry on said work within two years from the passage of this act, and shall not complete the same, as aforesaid, in five years, according to the true intent and meaning of this act, or if after the completion of the said railroad, or any part thereof, the said corporation shall suffer the same to go to decay, and be impassable for the term of two years, then this charter shall become null and void, except so far as compels said company to make reparation for damages.

Capital stock may be increased to \$500,000.

SECTION 22. If any increase of the capital stock to be deemed necessary by the stockholders to complete the said railroad, cars, engines and other devices, it may be lawful for the said president, managers and company, at a stated or special meeting convened for that purpose, to increase the number of shares, so that the capital of said company shall not exceed five hundred thousand dollars, and to receive and demand the money for shares so subscribed, in like manner

and under like penalties as are herein before provided for the original subscription, or as shall be provided for by their by-laws.

SECTION 23. If said company shall at any time misuse or abuse any of the privileges hereby granted, the legislature may resume all and singular, the rights and privileges hereby granted to said company; the legislature also reserves the right to purchase the rights of said company, and the railroad, with its appurtenances, at any time after thirty years from the passage of this act, by paying to said company a sum of money equal to the cost and expenses of said railroad, with an interest of eight per centum per annum thereon.

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The twenty-third day of March, Anno Domini, one thousand eight hundred and thirty-six.

JOS: RITNER.



No. 57.

An Act

To incorporate a company to build a bridge over the Big Beaver creek, at Fallston, in Beaver county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That John Miner, Robert Townsend, John Pugh, M. F. Champlin, Thomas Thornely, Evan Pugh, A. W. Townsend, Jacob Townsend, Klihu T. Pugh, David Ramsey, E. K. Chamberlin, Joseph T. Pugh, John Stevenson, David Worcester, William Blanchard, Charles Lukens, James C. Fulton, C. C. Wolcott, Isaac Wade, Harvey White, David Mitchell, Stephen Jennings, Richard Morland, David Boies, James Logan, Simon Meredith, Thomas Johnson, Andrew Grayham, Thomas Beacom, William Le Barron, Edward Hoops, Samuel Cramer, William H. H. Chamberlin, Francis

Corporators.	Hoops, Charles Hoops, William L. Townsend, Hamilton Hoops, John Ross, John C. Hunter, J. W. Maynard, John Boles, Benjamin Townsend, Joseph Hoops, James Irwin, David Hoops, and such other persons as may be associated with them after the passing of this act, for the purpose of erecting a bridge over the Big Beaver river, at or near the site of the Rope Ferry, opposite the village of Fallston, Beaver county, shall be and are hereby declared to be one body politic and corporate, in deed and in law, by the name and style of the "Fallston Bridge company:" and by the same name shall have perpetual succession, and all privileges and franchises incident to a corporation, and shall be capable of taking and holding their capital stock, and the increase and profits thereof, and of enlarging the same from time to time by new subscriptions, in such manner and form as they shall think proper, if such enlargement shall be found necessary to fulfil the intent of this act, and of purchasing, taking and holding, to them and their successors and assignees, in fee simple, or for any less estate, all such lands, tenements, hereditaments, estates real and personal, as shall be necessary and convenient to them in the prosecution of their work, and the same to sell and dispose of at their pleasure; and of suing and being sued, and of doing all and every other matter and thing which a corporation or body politic may lawfully do.
Name and style.	
Powers and privileges.	
Capital stock \$15,000. Shares 25 dolls. each.	SECTION 2. The capital stock of the said company shall not exceed the sum of fifteen thousand dollars, divided into shares of twenty-five dollars each: <i>Provided</i> , It may be increased in the manner hereinafter specified.
When letters patent shall issue.	SECTION 3. When twenty-five persons or more shall have subscribed one hundred shares or more, and shall have paid into the joint funds of the company the sum of five dollars on each of said one hundred shares, the Governor, on evidence of the same, shall, by letters patent, under his hand and the seal of the state, create and erect the subscribers, and if said subscription be not full at the time, then also those who may thereafter subscribe to the said stock of said company, into one body politic and corporate, in deed and in law, by the name and style of the "Fallston Bridge company."
Name and style.	
Notice.	SECTION 4. The nine persons first named in the said letters patent shall, as soon as conveniently may be after sealing the same, give public notice of a time and place by them to be appointed, not less than thirty days, at which time and place the said subscribers shall proceed to organize the said corporation, and shall choose by a majority of votes of the said subscribers, by ballot, to be delivered in person or by proxy duly authorized, one president, six managers, one treasurer, and such other officers as they shall think necessary to conduct the business of the said company for one year, and until other officers shall be chosen, and make
Company to be organized, and how.	
Proxies.	

such other by-laws, rules, orders and regulations, not inconsistent with the laws of the United States and this commonwealth, as shall be necessary for the well ordering of the affairs of said company: *Provided always*, That the holders shall have a vote for every share not exceeding ten; for the second ten shares two votes, and for every ten shares above that number one vote. By-laws.
Proviso.

SECTION 5. The stockholders shall meet on the first Monday in May next after the date of their corporation, and election. on the first Monday in May in every succeeding year, and at such other times and places as shall be fixed on by the rules and orders of the said company, to be made, as aforesaid, for the purpose of choosing such officers, as aforesaid, for the ensuing year.

SECTION 6. The president and managers first to be chosen, as aforesaid, shall procure certificates, to be written or printed, for all the shares of the stock of the said company, and shall deliver one of such certificates, signed by the president, and countersigned by the treasurer, and sealed with the seal of the corporation, to each person, for every share by him subscribed and held, he paying to the treasurer the sum of five dollars in part for each share, which certificate shall be transferrable at his pleasure, in person or by his attorney, in presence of the president or treasurer, subject, however, to the payments due thereon, and the assignee holding any certificate, having first caused the assignment to be entered in a book of the company, to be kept for that purpose, shall be a member of the corporation, and for every certificate by him held, shall be entitled to one share of the capital stock, and of all the estates and emoluments of the company, and to vote, as aforesaid, at the meeting thereof. Certificates.
Treasurer.
Seal.
Transfers.

SECTION 7. The president and managers, at such times and places, and being convened in such manner as shall be agreed on for transacting business at such meetings, five members shall be a quorum, who, in the absence of the president, may choose a chairman, and shall keep minutes of all their transactions, fairly entered in a book, and a quorum being present, they shall have full power and authority to agree with and appoint such engineers, superintendents, artists and other officers, as they shall think necessary to carry on the said bridge, and to fix their salaries and other wages, to ascertain the times, manner and proportion in which the stockholders shall pay the money due on their respective shares, in order to carry on the work, to draw orders on the treasurer for all moneys to pay the salaries of persons by them employed, and for the materials and labour done, which orders shall be signed by the president, or in his absence, by a majority of a quorum, and countersigned by the clerk, and to do and transact all other Meetings of
the board.
Quorum.
Minutes.
Powers of
the board.
Treasurer.

such acts, matters and things as by the by-laws, orders and regulations of the company shall be committed to them.

SECTION 8. If any stockholder, after the notice of the time and place appointed for the payment of any proportion or dividend of the capital stock, shall neglect to pay such proportion at the time appointed, for the space of forty days after the time so appointed, every such stockholder, or his assignee, shall, in addition to the dividends called for, pay at the rate of five per centum per month for every delay of such payment, and if the same and additional penalties shall remain unpaid for such space of time that the accumulated penalties shall become equal to the sums before paid on account of such shares, the same shall be forfeited to the said company, and may and shall be sold by them to any other person or persons willing to purchase, for such price as can be obtained therefor.

Penalty for
delay of pay-
ment.

Forfeiture.

May enter
upon lands
for certain
purposes.

Notice.

Damages,
how ascer-
tained.

Tender of
the appraised
value.

Just accounts
to be kept &
submitted an-
nually to the
stockholders.

SECTION 9. It shall and may be lawful for the president and managers aforesaid, or upon their order, their superintendents, engineers and artists of any kind, to enter into and upon lands, tenements and enclosures near to the place where the said bridge is to be built, to examine the ground for the purpose of locating the bridge, building the abutments, and obtaining stone, gravel, sand or earth necessary for building said bridge, and that it shall and may be lawful for the said president and managers, or upon their order, the superintendents, engineers and artists of every kind, to enter with wagons, carts, sleds or sleighs, or beasts of burthen or draft, of any kind whatsoever, first giving notice to the owners, and doing as little damage as possible, and repairing any breaches of fences they may have any occasion to make, first making amends for any damage which may be done, which damages shall be ascertained by the parties, if they can agree, or if they cannot agree, then by appraisement, to be made upon oath or affirmation of three disinterested freeholders of the neighbourhood, or any two of them, to be mutually chosen; or if the owner or president and managers, upon due notice, shall neglect or refuse to join in the choice, then the said freeholders to be appointed by any justice of the peace of the county not interested on either side; and the said president and managers, after tender of the appraised value to the owner, may enter and dig, take and carry away any stone, gravel, sand or earth, most convenient for making or repairing said bridge.

SECTION 10. The president and managers of the said company shall keep fair and just accounts of all moneys received by them from the subscribers to the said undertaking, and of all penalties for delay in the payment thereof, and of the amount of the profits or shares that may be forfeited as aforesaid, and of all voluntary contributions, and also all moneys by them expended in the prosecution of the

said work, and shall at least once in every year, submit such accounts to a general meeting of the stockholders, until the said bridge be completed, and until all the costs, charges and expenses for erecting the same shall be fully paid and discharged, and the aggregate amount of all such expenses shall be liquidated and ascertained, and if upon such liquidation, or whenever the whole capital stock is not sufficient to complete the said bridge, according to the true intent and meaning of this act, it shall and may be lawful for the president, managers and company, at a stated or special meeting, to be convened according to the provisions of this act or their by-laws, to increase the number of shares to such extent as shall be deemed sufficient to accomplish the work, and to demand and receive the moneys subscribed for such shares, in like manner as hereinbefore provided.

SECTION 11. When a good and complete bridge shall be erected over the said river, at the place aforesaid, the property of the said bridge shall be vested in the said company, their successors and assigns, forever; and the said company, their successors and assigns, may demand and receive tolls from travellers and others, agreeably to the following rates, to wit: for every coach, landau, chariot, phaeton, or other pleasurable carriage with four wheels, drawn by four horses, the sum of seventy-five cents; and for the same carriages with two horses, fifty cents; and for every wagon drawn by four horses, fifty cents, and for every wagon with two horses, thirty-seven and a-half cents; for every chaise, riding chair, sulkey, cart, or other two wheeled carriage, or a sled with two horses, twenty-five cents; and for the same with one horse, eighteen cents; for a single horse and rider, six cents; for every led horse or mule, two cents; for every sheep and swine, one cent; and for every foot passenger, two cents: *Provided* always, That the said bridge shall in no wise injure, stop or interrupt the navigation of the said river, or prevent boats from crossing, or persons from fording said river: *And Provided further*, That a space of at least twenty-five feet shall be left between the abutment and the edge of the river on the east side, so as to prevent any impediment or obstruction on the towing path on said river.

SECTION 12. In fixing the toll of all carriages drawn in whole or part by oxen, two oxen shall be estimated equal to one horse.

SECTION 13. If the said company, their successors, assigns, or who ever shall own or possess said bridge, shall collect or demand any greater rates and prices for the passing over the said bridge, than what is hereinbefore prescribed and specified, or shall neglect to keep the said bridge in repair, he, she, or they so offending, shall, for every such offence, forfeit and pay the sum of ten dollars; one moiety thereof for the use of

Proviso.

improving the public highways in the townships annexed thereto, and the other moiety for the use of the person who may sue for the same: *Provided always*, That no suit or action may be brought unless it be within thirty days after such offence shall have been committed.

Dividends.

SECTION 14. The president, managers and company shall also keep a just and true account of all and any the moneys received by the respective collectors of tolls for crossing the said bridge, and shall make and declare a dividend of the profits and income thereof among all the subscribers to the said company's stock, deducting first therefrom all contingent costs and charges, and shall, on the first Monday in February and August, every year, publish the dividends to be made of the said clear profits thereof amongst the stockholders, and of the time and place where the same shall be paid, and shall cause the same to be paid accordingly: (*Provided*,) That the president

Annual statement to be made to the Auditor General.

or secretary of the said company shall annually, on the first Monday in December, transmit to the Auditor General a full statement of the affairs of said company, under oath, and shall pay annually into the treasury of the commonwealth a tax of eight per centum on all dividends which may exceed six per centum on the capital stock actually paid in.

Tax.

Funerals, etc. privileged.

SECTION 15. All funeral processions, and militia men going to or from training, and all persons going to or from meetings of public worship, shall be privileged to pass over the said bridge without the payment of toll.

When bridge to be commenced and completed.

SECTION 16. If the said company shall not proceed to erect the said bridge within the space of three years after they shall have been incorporated, or shall not within the space of six years from the passage of this act complete the said bridge, it shall and may be lawful for the legislature of this commonwealth to resume all and singular, the rights, liberties and privileges hereby granted to said company.

NER MIDDLESWARTH,

Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,

Speaker of the Senate.

APPROVED—The twenty-third day of March, Anno Domini, one thousand eight hundred and thirty-six.

JOS: RITNER.

No. 58.

An Act

To authorize the sale of a certain messuage and lot of ground situate in the city of Philadelphia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Anna Eliza Tunis, of the city of Philadelphia, widow, is hereby authorized to sell and dispose of, at public or private sale, all that messuage and lot of ground situate on the south side of Mulberry street, number three hundred and thirty, between Delaware, Eleventh and Twelfth streets, in the city of Philadelphia, devised by the will of Anna Guest, together with all and singular, the appurtenances, and to make a good and sufficient conveyance for the same to the purchaser or purchasers thereof, in fee simple, subject to such ground rent as may be thereon: *Provided,* That before making such sale, the said Anna Eliza Tunis shall enter into a recognizance in the Orphans' court for the county of Philadelphia, with such surety as shall be approved by the said court, with condition that the proceeds of such sale shall, upon the decease of the said Anna Eliza Tunis, be paid to such persons as by the will of the said Anna Guest, would be entitled to the said messuage and lot if the same had not been sold.

Anna Eliza Tunis authorized to sell a lot of ground.

Proviso.

NER MIDDLESWARTH,

Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,

Speaker of the Senate.

APPROVED—The twenty-third day of March, Anno Domini, one thousand eight hundred and thirty-six.

JOS : RITNER.

No. 59.

An Act

To incorporate the Pennsylvania Bituminous Coal Land company, and a supplement to the act entitled "An act to incorporate the Philipsburg and Juniata Railroad company," passed the tenth day of March, one thousand eight hundred and thirty.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the president and managers of the Philipsburg and Juniata railroad company shall have until the first of January, one thousand eight hundred and forty, to commence their work, and until the first day of January, one thousand eight hundred and forty-four to complete the same, any thing in the act to which this is supplementary, or in the "Act to amend the act entitled An act to incorporate the Philipsburg and Juniata railroad company," passed the tenth day of April, one thousand eight hundred and thirty-four, to the contrary notwithstanding: *Provided,* The said road shall be extended to a point within six hundred yards of the town of Philipsburg: *And provided further,* That the said company may, if necessary to complete the said road, increase its capital stock to four thousand shares: *And provided further,* That the president or secretary of the said companies, shall annually, on the first Monday in December, transmit to the Auditor General a full statement of the affairs of the said companies, under oath, and shall pay annually into the treasury of the commonwealth a tax of eight per centum on all dividends on transportation which may exceed six per centum on the capital stock actually paid in.

Time of commencing and completing their work.

Proviso:

2d. Proviso:

Capital stock may be increased.

Annual statement to Auditor General.

Tax.

SECTION 2. In order to enable the said railroad company to complete their work, it shall and may be lawful for Hardman Philips and Sophia Philips to grant, bargain, sell and dispose of the Philipsburg estate, in the counties of Centre, Clearfield and Cambria, in the state of Pennsylvania, to the stock company hereinafter described, who shall have power to take and hold the same in the manner hereafter described, including all the works, buildings, improvements and fixtures, with the appurtenances thereon being and erected, the said stock to consist of six thousand seven hundred and fifty shares, of one hundred dollars each: *Provided,* That said Hardman Philips and Sophia Philips, shall subscribe to the capital stock of the said railroad company such sum, not less than

Philipsburg estate may be sold to a stock company.

100 dollars price of each share.

Proviso.

two hundred and fifty thousand dollars, as may be necessary to complete said railroad from the Pennsylvania canal as far as the mines near to which the road, as at present located, terminates; and that the whole amount so subscribed shall be duly paid when required by the directors of said company, and previous to the first day of January, one thousand eight hundred and forty: *And provided further*, That the said railroad shall be extended to a point within six hundred yards of Philipsburg, before the first day of January, one thousand eight hundred and forty-four, otherwise all the privileges granted by this act, and by the act incorporating the Philipsburg and Juniata railroad company, and the supplements thereto, shall cease: *Provided further*, That any railroad company or companies that may hereafter be incorporated by the legislature, or any individual or individuals that may for their convenience and advantage think proper to construct lateral railroads, shall have a right and authority to intersect with said railroad, at any point or points, as they may conceive most advantageous to the interest and convenience of said company or individuals, said companies or individuals to be subject to such rules and regulations, and pay such tolls as are provided for by the acts to which this is supplementary, and paying such damages as may be sustained by the owners of the land over which it may be necessary for them to pass, in order to effect the intersection, such damages to be ascertained, in the case of individuals, by a jury of men to be appointed by the court of Common Pleas of the county in which the connexion is made, upon petition by either party.

SECTION 3. As soon as three thousand one hundred and twenty-five shares in the said stock company shall have been purchased or subscribed, by any person or persons whatsoever, and at least nine dollars on each share have been paid, the said Hardmand Philips shall certify to the Governor, under his hand and seal, the names of the subscribers, and the number of shares held by each, whereupon the Governor shall, by letters patent, under his hand and the seal of the commonwealth, create and erect the subscribers, and if the subscriptions be not full at the time, then also those who shall thereafter subscribe to the number of shares as aforesaid, into one body politic and corporate, in deed and in law, by the name and style of "The Pennsylvania bituminous coal land company;" and the said subscribers and their successors, with those who may thereafter subscribe, shall by the same name, have the powers and privileges of a corporation, for the term of sixty years and no longer, and shall be able to sue and be sued, implead and be impleaded, in any court of law and equity in this commonwealth or elsewhere, and

the said incorporation shall have power to retain, hold and keep the fee simple in said lands, tenements and hereditaments, for and during the space of sixty years from the date of the passage of this act; and during the continuance of that time, to lease the same or any part thereof, for any period not to exceed the said term of sixty years, or to sell and convey the same, and all or any part and parts thereof, to any person or persons, in fee simple or otherwise, as to them may seem best; and for the purposes of the free and full use and enjoyment thereof, shall have power during the said term to use, employ, sell and dispose of all the products of the estate, and to employ and use them in the manufacture of articles for sale, and the same and said products to vend and dispose of, and to vend and to convey to market, by such means and devices as may be required for the said purposes, to use and have a common seal, and the same to alter at pleasure: *Provided*, That said company shall not have or exercise any banking privileges: *And provided* further, That it shall be the duty of said company, within fifteen years after the passage of this act, to sell and dispose of such portions of the estate which it will hereby be authorized to receive, that from that time forwards, it shall not hold or possess more than twenty thousand acres of land.

Proviso.

2d Proviso.

Officers.

Quorum.

By-laws,

Notice.

Election.

Ratio of votes

Right to annul the charter reserved.

SECTION 4. The affairs of the said Pennsylvania bituminous coal land company, shall be managed and conducted by a president and fifteen directors, and such other officers and agents as may be necessary, any five of the said directors to be a quorum for the transaction of business, with power to ordain and make all such by-laws, rules and regulations, for conducting the affairs of the said company, as they shall deem necessary and proper, not being contrary to the constitution and laws of this state or of the United States, and as soon as practicable after the necessary subscription and payment shall have been made, and the said stock company shall thereby have become entitled to corporate privileges, according to the provisions of the third section, the said Hardman Philips shall give public notice, in at least two newspapers published in the city of Philadelphia, and in one newspaper in each of the counties of Centre, Cambria, Huntingdon and Clearfield, of the time and place of holding an election of a president and fifteen directors, to serve for one year, at which election the stockholders may vote in person, each share not exceeding ten being entitled to one vote; and the president and directors so elected may determine by by-laws, duly enacted, the place, manner and form in which all subsequent elections shall be held.

SECTION 5. The legislature reserves the right to alter or annul the charter and privileges hereby granted, whenever it

shall be deemed in accordance with the public interest so to do.

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The twenty-third day of March, Anno Domini,
one thousand eight hundred and thirty-six.

JOS: RITNER.

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No. 60.

An Act

To extend the charter of the Delaware Coal company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the charter of the Delaware Coal company shall be, and the same is hereby extended and continued in force for the term of twenty years, from the eighth day of April, Anno Domini, one thousand eight hundred and thirty-eight : *Provided,* That it shall and may be lawful for the legislature at any time to repeal, alter or amend its provisions, and to resume the powers and authorities thereby granted. Proviso.

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The twenty-sixth day of March, Anno Domini,
one thousand eight hundred and thirty-six.

JOS: RITNER.

No. 61.

An Act

For the conveyance of certain Real Estate, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Daniel Focht and Daniel A. Bartoletti, Trustees authorized to sell the land. trustees of Peter Focht, under the last will and testament of George Focht, late of Oley township in the county of Berks, deceased, be, and they or the survivor of them, are hereby authorized and empowered, upon reasonable notice, to sell a certain tract or piece of land, situated in said county of Berks, containing one hundred and one acres and one hundred and thirty-seven perches, and which said tract of land was allotted and assigned to the said Peter Focht, the rents, issue and profits thereof, to be received and enjoyed by him during his life, in pursuance of certain proceedings had in the court of Common Pleas of said county, and agreeably to the provisions of said last will, and to convey to the purchaser or purchasers all the right, title and interest which the said testator had in the premises at and immediately before his death: *Provided,* That the said trustees, before making such sale, shall enter into recognizance before the Orphan's court of said county, in such sum as the said court may direct, conditioned for the faithful application, according to the terms and provisions of said last will and testament, of the proceeds of such sale, under the directions of the said court: *And provided further,* That before such sale be made, the written consent of all persons interested in the said land, if of age, and of the guardians of those under age, be obtained, and filed in the office of the clerk of the Orphans' court.

Proviso.

2d Proviso.

SECTION 2. That it shall and may be lawful to and for John Stille, junior, under the marriage settlement of Elizabeth H. Walsh, (late Elizabeth H. Stocker, and relict of Anthony Stocker, deceased,) to cut down and sell so much of the wood and timber, on the woodland assigned to the share of the said Anthony, in the partition of the estate of the late John Clemments Stoker, deceased, (father of the said Anthony) and Mary Catharine his wife, as may be cut without injury to the said land, and the monies therefrom arising, to invest under the order of the Orphan's court for the city and county of Philadelphia, in such securities as the said court shall approve; and the income and interest of the said monies so invested, shall be received by the said trustee

Stocker family.

Certain parts of their wood and timber to be cut and sold, and the money vested

during the lifetime of the said Elizabeth H. Walsh, for the uses and trusts of the said marriage settlement, and the said principal monies so invested shall, upon the decease of the said Elizabeth H. Walsh, descend and go to the devisees under the last will and testament of the said Anthony Stocker.

SECTION 3. It shall and may be lawful to and for Caroline Stocker, widow of John Clemments Stocker the younger, deceased, to cut down and sell so much of the wood and timber, on the woodland of the real estate of the said John Clemments Stocker the younger, as may be cut without injury to the same, and to invest the monies arising from the sales thereof, under the directions of the said the Orphan's court for the city and county of Philadelphia, in such securities as the said court shall approve; and the interest and income of the said monies so invested, shall be received by the said Caroline during her life, and the principal of the same, after her decease, shall go and descend according to the provisions of the last will and testament of the said John Clemments Stocker the younger.

SECTION 4. It shall and may be lawful to and for the said Caroline Stocker to sell and dispose of, or to let out on ground rent, any of the unproductive real estate of her said deceased husband, within this commonwealth, as fully as if the fee simple thereof were vested in herself individually; and the proceeds thereof arising from the sale of the same, or any part thereof, to invest, under the orders of said court; the said principal monies to go and descend upon her decease, according to the provisions of the last will and testament of the said John Clemments Stocker the younger.

SECTION 5. That the title of Jacob J. Cope and John Cope, Estate of to the estate of Godfrey G. Cope, late of the county of Philadelphia, deceased, under proceedings in partition in the District court for the city and county of Philadelphia, instituted to December term, one thousand eight hundred and thirty, number two hundred and sixty-six, be, and the same is hereby confirmed and made valid: *Provided*, That the shares or portions of the said estate remaining in contingency, under the last will and testament of the said Godfrey G. Cope, shall be secured by mortgage or otherwise, to the satisfaction of the Orphan's court for the city and county of Philadelphia, to inure or be enjoyed according to the provisions of the said last will and testament.

SECTION 6. That David Hay, James Moss, and John Lindsay, trustees for a certain piece or lot of ground situate in the township of Mount Pleasant, Washington county, Pennsylvania, adjoining lands of William Neilson and Thomas Milligan, and conveyed by the said Thomas Milligan and wife to the above named trustees, containing forty-six perches, strict measure, be and they are hereby authorized to sell and convey said lot of ground above described: *Provided*

Caroline Stocker, widow of Jno. C. Stocker, may cut and sell wood, &c.

Unproductive real estate may be sold and the purchase money invested.

Estate of Godfrey G. Cope. *Provided*.

David Hay, Jas. Moss & Jno. Lindsay, trustees to sell a lot of ground, &c. in Washington county. *Provided*.

always, That the said trustees shall apply the proceeds of said sale to liquidate all debts against said lots, and expenses of sales, and all or any balance after payments aforesaid, to be applied to the two nearest schools erected under the late law for common schools; to be equally divided between the same.

The guardian of S. Bennet, authorized to sell a certain real estate in Luzerne county

Proviso.

2d Proviso.

D. Hunter, & H. Rankin authorized to sell certain real estate in Bedford co.

The Gideonite society of Philadelphia, confirmed in the title of certain real estate

SECTION 7. That John Espy, guardian of Samuel Bennet, and heir at law of Thomas Bennet, deceased, late of Luzerne county, is hereby authorized and empowered to sell, at public or private sale, and convey by deed or deeds, in fee simple, all the right, title and interest of the said minor, Samuel Bennet, being the one undivided half of two lots, containing each one acre of land; also, the one undivided half of thirty-six town lots, in the plot of the village of Nanticoke, as designated in the original town plot, containing together, fifteen acres, one hundred and fifty-two and seven tenths perches of land, more or less, situated and being in Hanover township, Luzerne county: *Provided*, That before the said John Espy shall execute any deed or deeds for the same to the purchaser or purchasers, he shall give bond, in such sum and with such sureties as the Orphans' court of said county shall direct, conditioned for the faithful discharge of his duty, and proper application of the money arising from said sale: *And provided further*, That the sale of said property shall not be valid until the same shall have been reported to and approved by the Orphans' court of said county.

SECTION 8. That David Hunter and Hugh Rankin be, and they are hereby authorized and empowered to sell and convey the two-thirds of an undivided tract of land, situate in Air township, Belfast county; also, the two-thirds of another tract of land, situate in Bedford township, Bedford county; and also, the two-thirds of four unimproved lots of ground, situate in the town of M'Connellsburg, Bedford county, late the property of Samuel Bechtel, now deceased, and to convey the same in fee simple, or to give such title as the testator may have had thereto, to the purchaser or purchasers thereof; they, the said David Hunter and Hugh Rankin, before proceeding to the sale thereof, shall enter into recognizance, with sufficient security, to be approved of by the Orphan's court of Bedford county, for the faithful application of the monies arising from said sale, agreeably to the terms and tenor of the will of said testator, and under the direction of the Orphans' court.

SECTION 9. That "The Gideonite society of Philadelphia," their successors and assigns, be and they are hereby confirmed in the title of certain real estate in the city of Philadelphia, consisting of all those three adjoining three story brick messuages or tenements, and lots or pieces of ground thereto belonging, situate on the east side of Twelfth

street, between High and Filbert streets, beginning at the distance of one hundred and nineteen feet northward from the north side of High street, and containing altogether in breadth, north and south, fifty-one feet, and extending in depth eastward, fifty-three feet, and being the same premises which James Lloyd and wife, by indenture dated the thirty-first day of December, Anno Domini, one thousand eight hundred and thirty-three, granted and conveyed unto the said "The Gideonite society of Philadelphia," in fee, to the intent and so far forth that the said title shall at no time hereafter be questioned by, or on behalf, or in the name of this commonwealth, for or by reason of any defect or alledged defect of power in the said "The Gideonite society of Philadelphia," to purchase, hold or convey the said real estate; and that the said "The Gideonite Society of Philadelphia," and their successors and assigns, shall hold the said real estate, and may dispose of the same, with the like effect as if the said "The Gideonite society of Philadelphia" had been authorized by law to purchase, hold and convey the same: *Provided however,* That nothing contained in this **Proviso.** act shall authorize said society to purchase any estate except that mentioned aforesaid.

SECTION 10. That John Craig and William Taylor, Guardians of the minor children of William Craig, deceased, be and they are hereby authorized to sell, at public sale or private sale, as to them shall seem most expedient, all the right, title, interest and claim which said deceased at the time of his death had in and to a certain piece of ground, containing five acres, situate in the town of New Alexandria, in Westmoreland county, with a stone merchant mill, saw mill and dwelling house thereon erected, or such part or piece thereof as they shall think advisable, and to convey the same, either in whole or in parcels, to the purchaser or purchasers thereof: *Provided,* That before the execution of the deed or deeds for the premises, the said guardians shall give bond, with such security as the Orphan's court of Westmoreland county will approve, conditioned for the faithful application and distribution of the proceeds of the sale, as the said Orphan's court shall order and direct.

SECTION 11. That it shall and may be lawful for Charles J. Sutter, Michael Baker and Isaac Wampole, executors and trustees named in the last will and testament of Daniel Sutter, late of the city of Philadelphia, merchant, deceased, or any or either of them, or the survivors or survivor of them, under the directions of the Orphan's court for the city and county of Philadelphia, to whom full power and authority are given in the case, to make distribution of the balance of the residue of said estate of said Daniel Sutter, deceased, and of the increase thereof over and above the sum of fifteen hundred dollars, to and among the right heirs of said

John Taylor
and William
Craig, guar-
dians, etc.,
authorized to
sell certain
real estate in
Westmore-
land county.

The execu-
tors and trus-
tees of Dan'l
Sutter, late
of Philadel-
phia, author-
ized to dis-
tribute a cer-
tain balance
of his estate,
etc.

Daniel Sutter, in the same manner as if the trusts referred to in the residuary bequest in said will were concluded; and that said sum of fifteen hundred dollars shall be reserved for the purposes contemplated by the testator in the bequest of the residue of his estate, agreeably to the provisions and directions of said will.

The execu-
tors & trus-
tees of Rob't.
Blackwell,
late of Phila.
authorized to
sell certain
property.

SECTION 12. That James S. Smith and Henry Hollingsworth, executors and trustees named in the last will and testament of Robert Blackwell, late of the city of Philadelphia, deceased, be, and they are hereby authorized to sell, by public or private sale, or to let on ground rent, the whole or any part or parts of certain property, owned by the said Robert Blackwell, situate at the intersection of Federal and Broad streets, and lying on the north and south sides of Federal street, and on the east and west sides of Broad street, in the township of Moyamensing, and county of Philadelphia, and to make and execute to the purchaser or purchasers thereof, a good and sufficient deed or deeds of conveyance and assurance in the law, for the same, which conveyance and assurance shall vest in such purchaser or purchasers, all the estate, right, title and interest in law and equity, which the said Robert Blackwell at and immediately before his death had and held in the same, as fully and completely, and with like effect, as if the said conveyance and assurance had been made and executed by the said Robert Blackwell in his life time; and that the moneys arising from such sale, be appropriated by the said executors and trustees, agreeably to the intention and meaning of the said Robert Blackwell, deceased, as expressed in his last will and testament, with respect to his residuary estate.

Said ex'rs. &
trustees to
give security.

SECTION 13. Before the said executors and trustees shall proceed to make such sale, they shall give security in the Orphans' court for the city and county of Philadelphia, in such manner and in such sum as the said court shall order and direct, for the faithful execution of the same, and for the faithful application of the proceeds of the sale of the real estate hereby authorized to be sold.

Halifax
School dis-
trict in Dau-
phin county.
to be paid
\$80 06½—a
state appro-
priation.

SECTION 14. That the Halifax school district in the county of Dauphin, be entitled to a state appropriation of eighty dollars and six cents and one-half, and that the State Treasurer be, and hereby is directed to pay to the directors of the common schools in said district, for the use thereof, said sum, on their application therefor.

SECTION 15. That the title of this commonwealth to a tract of one hundred and nine acres and one hundred and twenty-nine perches of land, situate on the Hopbottom creek in the township of Brooklyn, in the county of Susquehanna, claimed by Joshua Miles, and upon which he now resides, be and the same is hereby released to the said Miles, and the

Releasing to
J. Miles,
the title of
common-
wealth to a
tract of land.

Secretary of the Land Office, upon payment of the unpaid purchase money, if any, and the fees of office, is hereby required to issue a patent to the said Miles for the above described tract of land: *Provided*, That nothing in this act shall be taken *Proviso*. to affect the right and title of any other person.

SECTION 16. That William Maxwell, guardian of Eliza-W. Maxwell, beth Speer Huston, minor child of Sarah B. Huston, late of guardian of Franklin county, deceased, shall have power to sell all the ^{S. B. Huston, &c. authori-} right, title and interest of the said Elizabeth Speer Huston, ^{zed to sell} as one of the heirs of William Buchanan, late of said county, ^{certain land} deceased, in and to a certain tract of land, situated in Salem in West-township, county of Westmoreland, containing three hund-^{moreland} red and seventy-five acres and thirty perches, and allow-^{county.} ance, adjoining lands of John Rudolph, Philip Walter and others, and to execute such deed or deeds as may be necessary to convey the said interest, to all intents and purposes, and with like effect as if the said minor were of full age, and had sold and conveyed the same herself: *Provided*, That before the said William Maxwell shall *Proviso*. execute any deed or deeds for the same to the purchaser or ^{Guardian to} purchasers, he shall give bond, in such sum and with such ^{give bond} sureties as shall be approved of by the Orphans' court of the ^{with sure-} county in which the said land is situated, conditioned for ^{ties.} the faithful discharge of his duty, and the proper application of the money arising from said sale: *And provided* ^{2d Proviso.} *further*, That the sale of said property shall not be valid until the same shall have been reported to and approved of by the Orphans' court of said county.

NER MIDDLESWARTH,

Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,

Speaker of the Senate.

APPROVED—The twenty-eighth day of March, Anno Domini, one thousand eight hundred and thirty-six.

JOS : RITNER.

No. 62.

A Supplement

To an act entitled "An act authorizing the Governor to incorporate the Lizard creek, Lehigh and Loyalhannah Bridge company, and for other purposes," passed the first day of April, one thousand eight hundred and thirty-one.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the managers elected after the passage of this act by the Loyalhannah Bridge company, and the state managers, shall appoint one of their number president, and two competent persons to act as treasurer and secretary, out of said board of managers, or out of the stockholders of said company.

President,
treasurer and
secretary.

Repealing
clause.)

SECTION 2. So much of the original act to which this is a supplement, as is hereby altered or supplied, be and the same is hereby repealed.

NER MIDDLESWARTH,
Speaker of the House of Representatives.
THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The twenty-eighth day of March, Anno Domini, one thousand eight hundred and thirty-six.

JOS: RITNER.

No. 63.

An Act

Authorizing the opening and continuing of Perry and other streets in the borough of Birmingham, Allegheny county, on certain conditions.

Preamble.

WHEREAS, in the original plan of that part of the borough of Birmingham formerly called Sidneyville, in the county of

Allegheny, a street named Perry street, was laid out and Preamble.
opened, terminating at Coal-Hill street, running along the
line of lot number nine; *And whereas*, the owners of lot
number two, on which are erected several valuable manu-
facturing establishments, have no means of access to or
egress from said lot except by the Monongahela river, on
which it is bounded; *And whereas*, it is represented that the
citizens and inhabitants of said borough would be greatly
benefited by the opening and continuation of said Perry
street for public use, through lots number nine, eight, and
two, to the Monongahela river aforesaid; Therefore,

SECTION 1. *Be it enacted by the Senate and House of
Representatives of the Commonwealth of Pennsylvania in
General Assembly met, and it is hereby enacted by the
authority of the same*, That the court of Common Pleas of
Allegheny county, on petition, shall appoint fifteen or more Viewers ap-
disinterested freeholders, who shall meet, on at least five pointed to
days notice, and if any twelve or more attend, they shall meet on
view the premises, and if any twelve of these attending, notice.
being first duly sworn or affirmed by any judge or justice of To be sworn
the peace of the said county, to perform the duties imposed or affirmed to
on them by this act with fidelity, shall decide that the said duties with
street is necessary for public use, through said lots number fidelity.
nine, eight, and two, to the Monongahela river aforesaid, they
shall proceed to lay out the same for public use, an equal How street
width with the rest of said street, and assess the dama- to be laid out
ges done to any lot or lots, (taking into consideration the
advantages accruing as well as the injury done,) and shall Damages to
apportion the damages separately, upon the lots or parts of be assessed
lots benefitted, according to a fair estimate of the benefit and appor-
conferred on each lot, and designating the person or persons tioned.
to whom such damage is done and payable; and if a sufficient
number do not meet to act, or if they cannot agree, the
court may at any time appoint others; the said viewers shall Other view-
make report to the said court, and if approved by the court, ers to be ap-
said report shall be entered of record, and the said street pointed by
through the said lots numbers nine, eight, and two, to the the court.
Monongahela river aforesaid, shall thenceforth be deemed
and taken to be a lawful public street.

SECTION 2. The said viewers, or any twelve of them,
being first duly sworn or affirmed as aforesaid, shall, in the
manner and form, and agreeably to the directions as set forth
in the first section of this act, also view Hill street, in said Hill street
borough, from Centre street to the public road at the upper may be wi-
line of said borough, and if they agree that the widening of dened if right
said street from Centre street to the public road aforesaid is and neces-
right and necessary for public use, the said viewers shall sary.
report to the court, as is provided in the first section of this
act; and said report shall be entered of record, and thence-
forth said street shall be deemed and taken to be a lawful

public street, according to the report of said viewers; and the said viewers shall have full power and authority to view a certain street in said borough called Ross street, and if to them, or any twelve of them, said street shall appear to be useless and unnecessary for public use, they shall declare the same vacated, and shall file their report of record: *Provided*, That said report is first approved of by the court of Common Pleas of Allegheny county.

Section 3. As soon as the costs and damages so assessed shall be paid unto the persons in whose favour the same shall be awarded, or into said court, by any individual or individuals, the prothonotary shall so certify to the court, and the court shall order said street to be opened.

Section 4. The said damages so assessed, shall to all intents and purposes, be a lien against the lot or lots upon which they may respectively be assessed, and if approved by the said court, the said court shall, by a writ or writs of scieri facias, in the name of the commonwealth, for the use of the person or persons entitled to receive the said damages, to be proceeded in the same manner as writs of scieri facias on mortgages are usually proceeded in, to recover the said damages so assessed, together with all costs incurred in the recovery of the same; and the said damages, when recovered, shall be paid over to the persons respectively in whose favour damages have been awarded, or their legal representatives.

Section 5. The costs of viewing and assessing damages shall be regulated as the costs of similar proceedings under the laws for laying out roads in this commonwealth.

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The twenty-eighth day of March, Anno Domini, one thousand eight hundred and thirty-six.

JOS. RITNER.

No. 64.

An Act

For the relief of George Long, and other soldiers and widows of soldiers of the revolutionary war.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the State Treasurer is hereby ^{Gratuities} authorized and required to pay to George Long of Warren ^{and annuities} county, Peter Uptegraft, Christopher Gumpf and Elizabeth ^{of \$40 each} Pickens of Lancaster county, Moses Baldwin of Crawford ^{to G. Long} county, Thomas Burchfield of Juniata county, John Coombs ^{and others.} of Fayette county, Henry Hagen of Mercer county, Joseph Sturges, John Gruber and Elisha Blackman of Luzerne county, Mary Ann Cousins of Venango county, Henry Weber of Lebanon county, soldiers and widows of soldiers of the revolutionary war, or to their respective orders, forty dollars to each immediately, as a gratuity, and an annuity of forty dollars to each during life, payable half yearly, to commence on the first day of January, one thousand eight hundred and thirty-six.

SECTION 2. The State Treasurer is hereby authorized and ^{Gratuity to} required to pay Jacob Merkel of Berks county, a gratuity of ^{J. Merkel.} forty dollars, in full for his revolutionary services; the foregoing pensions and gratuities to be paid in conformity to the existing laws.

SECTION 3. The State Treasurer is hereby authorized and ^{Gratuities} required to pay to Isaac Garretson of the borough of York, ^{and annuities} for the use of Evan Griffith and James Oldham of the city of ^{of \$40 each,} Baltimore, soldiers of the revolutionary war, or to their re- ^{to E. Griffith} spective orders, forty dollars to each immediately, as a gra- ^{and James} tuity, and an annuity of forty dollars to each during life, payable half yearly, to commence on the first day of January, one thousand-eight hundred and thirty-six; these annuities to be paid in conformity to the existing laws of the Commonwealth, by the treasurer of York county.

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The twenty-eighth day of March, A. D.,
eighteen hundred and thirty-six.

JOS: RITNER.

No. 65.

A Supplement

To an act entitled "An act to incorporate the Bucks county Contributionship for insuring houses and other buildings from loss by fire," and to amend the charter of the Philadelphia Fire and Inland Navigation company.

Directors
shall be
chosen.

Company
may insure
furniture.

Repeal of
part of form-
er act.

Relative to
the Philadel-
phia Fire and
Inland Navi-
gation com'y.
America
insurance co.
Philadelphia
Fire and In-
land Naviga-
tion insur-
ance comp'y.

2d Proviso.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the Bucks county Contributionship for insuring houses and other buildings from loss by fire, incorporated by an act passed the second day of April, one thousand eight hundred and eleven, be and they are hereby authorized to elect for directors persons who are resident of another state, but the majority of the directors shall be chosen from resident citizens of this state, and all meetings of the company shall be held therein, and the said company are authorized to insure the furniture of the houses and buildings insured by them.

SECTION 2. The proviso in the tenth section of the act to which this is a supplement, which prohibits the company from loaning more than one thousand dollars on one security, not more than one-half the value of the mortgaged premises, be and the same is hereby repealed.

SECTION 3. That so much of the act to incorporate the Philadelphia Fire and Inland Navigation company as confines the location of the office for the transaction of business to a part of the city of Philadelphia west of Broad street, be and the same is hereby repealed; and that the provisions of an act to incorporate the America Insurance company of Philadelphia, respecting marine risks, investment of capital, and the time and manner of holding elections, be and they are hereby extended to the Philadelphia Fire and Inland Navigation Insurance company: *Provided,* That nothing herein contained shall affect the time of holding the general meeting of the stockholders, or of choosing the directors for the year one thousand eight hundred and thirty-six: *And provided also,* That the directors chosen said year, shall continue in office until an election be holden under the provisions of this supplemental act.

NER MIDDLESWARTH,

Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,

Speaker of the Senate.

APPROVED—The twenty-eighth day of March, Anno Domini, one thousand eight hundred and thirty-six.

JOS : RITNER.

No. 66.

Supplement

To an act entitled "An act to enable the Governor to incorporate the Harrisburg Water company," passed the fourteenth February, one thousand eight hundred and thirty-three.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That it shall and may be lawful for the Harrisburg water company to construct their canal down the river from M^cAllisters, to the ravine at the lock of the Pennsylvania canal at Updegraff's, thence along the Pennsylvania canal, or near to it, to or near to the land of John Carson's heirs, and thence to the river bank, and thence along the river to Harrisburg, using the shore course within Brushy-rock as a part of their canal: *Provided,* That the said company, before occupying the course within Brushy-rock, shall improve and render equally as safe and commodious for navigation as the inner channel, the channel outside of Brushy-rock, of the width of ninety feet, and that as low down as the brick house on Carson's land, the outer bank of the said canal shall be on a slope of two feet to one foot rise, and thence to the Harrisburg bridge, on a slope of one and a half feet to every foot rise, and that the section below Pine-street shall be of the same width as the main canal, and may adjoin the grave-yard on Front-street, and that instead of the covering on the section above the Harrisburg bridge, a railing be erected on the side next to the borough, not less than five and a half feet high, and that the mound at Brushy-rock be at least three feet above the level of low water mark at Brushy-rock.

SECTION 2. Said company shall be authorized to increase, by loan or otherwise, their capital stock from one hundred and twenty thousand dollars to one hundred and seventy-five thousand dollars, and that the further term of two years shall be allowed for the completion of their work, in addition to the term specified for said purpose in the act to which this is a supplement; that the eighteen and twentieth sections of said act are hereby repealed, and in lieu of said twentieth section, it is hereby *Provided,* that one-half of all over twelve per cent. per annum on the stock of the company, shall be paid by them into the State Treasury, to be added to the fund for general education, by the commonwealth; and the said company are hereby authorized to construct an outlet

lock, connecting their work with the river Susquehanna at Harrisburg, and a cross-cut canal, connecting the same with the Pennsylvania canal, at or near the termination of their canal, within the borough of Harrisburgh, charging a reasonable toll upon the passage of craft through the same, as upon the main canal, the said tolls, however, to be increased or diminished at the discretion of the legislature, and the said cross-cut canal to be executed only with the advice and consent, and under the direction of the Canal Commissioners, and to be always subject to the control of the legislature: *Provided*, That no water therefor is taken from the Pennsylvania canal.

Dam at Brushy Rock SECTION 3. That the said company are hereby authorized to construct a dam across the river, at Brushy-rock aforesaid, of the height of two feet, outside the channel of ninety feet aforesaid.

Annual reports to Auditor General. SECTION 4. The said company shall make annual reports to the Auditor General of their affairs, and when the dividends amount to more than twelve per cent., one-half of the excess shall be paid into the State Treasury, for the use of the school fund.

SECTION 5. That the said company shall construct a pier and slope with bridge, across the canal at the landing from Coxe's Island, so that the landing and egress from it shall be in all respects as convenient as it now is.

Part of original act, repealed. SECTION 6. That so much of the fourth section of the act to which this is a supplement, as authorizes the said company to construct their canal from the land of John Fox, along the south side of the ridge, through the improved lands to the borough of Harrisburg, be and it is hereby repealed.

NER MIDDLESWARTH,

Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,

Speaker of the Senate.

APPROVED—The twenty-eighth day of March, Anno Domini, one thousand eight hundred and thirty-six.

JOS: RITNER.

No. 67.

An Act

Supplementary to an act entitled "An act to promote the culture of silk," passed the fourth day of May, one thousand eight hundred and thirty-two.

WHEREAS, it appears that in such sections of this com-
monwealth where the culture, production and manufacture
of silk would be most likely carried into effect, the capital
stock allowed by the act to which this is a supplement is not
sufficiently large to purchase the necessary quantity of land,
as land in such districts is high in price, and to meet all
other expenses necessarily attendant on a successful attempt
to promote the objects intended by said act ; Therefore,

SECTION 1. *Be it enacted by the Senate and House of
Representatives of the Commonwealth of Pennsylvania in
General Assembly met, and it is hereby enacted by the
authority of the same,* That any company which may have
associated together, or which may hereafter associate togeth-
er, in any county of this state, for the purpose of cultivating
the Mulberry tree, for the production of silk, agreeably to
the provisions of the act passed the fourth day of May, one
thousand eight hundred and thirty-two, entitled "An act to
promote the culture of silk," to which this is a supplement,
the capital stock of such company, which is now limited to
fifty thousand dollars, may be increased to an amount not
exceeding one hundred thousand dollars.

SECTION 2. The provisions of the act to which this a sup-
plement, which require that a company shall have set out part of the
one thousand or more white mulberry trees before they can
obtain a charter, is hereby repealed.

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The twenty-ninth day of March, A. D
eighteen hundred and thirty-six.

JOS: RITNER.

No. 68.

An Act

Declaring Tidyute, Hare's and coffee creeks, in Warren county, public highways, and relative to the erection of dams on the head waters of the Lehigh, above the falls at Stodartsville.

Tidyute,
Hare's and
Coffee creeks
declared
highways.

Relative to
dams on the
Lehigh.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passage of this act, Tidyute creek in the county of Warren, from its mouth to the second fork of the same, Coffee creek in Warren county, from the east line of Columbus township to its mouth, and Hare's creek within the county of Warren, be and the same are hereby declared public highways.

SECTION 2. That the provisions of the act of twenty-third March, eighteen hundred and three, in relation to the erection of dams in streams declared public highways, be and the same are hereby extended to the waters of the Lehigh, above the falls at Stodartsville, and the dams heretofore erected on the head waters of said stream, above the aforesaid falls, shall be lawful, under the provisions of said act.

NER MIDDLESWARTH,

Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,

Speaker of the Senate.

APPROVED—The twenty-ninth day of March, Anno Domini, eighteen hundred and thirty-six.

JOS : RITNER.

No. 69.

An Act

Authorizing the removal of a certain action of ejectment, brought by Anthony F. Miller, against Samuel Brocke, John Drehr, James Cresson, and others, which is now pending in the court of Schuylkill county, to an adjacent county for trial.

Preamble.

WHEREAS, an action of ejectment has been instituted by Anthony F. Miller, against Samuel Brooke, John Drehr,

James Cresson and others, which is now pending in the court Preamble.
of Common Pleas of Schuylkill county, as of July term,
one thousand eight hundred and thirty-five, number
for the recovery of a certain tract of land; *And whereas*, it
is represented to this legislature that a great number of
citizens of the said county of Schuylkill are, either directly
or indirectly, interested in the title to the land for which
the said ejectment is now pending in said county, and that
in consequence of which, a fair and impartial trial cannot
be had in the said county, for remedy whereof—

SECTION 1. *Be it enacted by the Senate and House of
Representatives of the Commonwealth of Pennsylvania in
General Assembly met, and it is hereby enacted by the
authority of the same,* That from and after the passage of
this act, it shall and may be lawful for either party in the ^{Either party}
aforesaid action of ejectment, now pending in the court of ^{may remove}
Common Pleas of the said county, wherein Anthony F. ^{the action.}
Miller is plaintiff, and John Drehr, Samuel Brooke, James
Cresson and others are defendants, to remove the same to
the county of Lehigh, in the third judicial district of Penn-
sylvania, which action so removed, shall be proceeded in by
the proper court in like manner, and subject to like rules
and proceeding, as if it had remained in the court in which
it was originally brought; and upon final judgment, testatum
habere facias possessionem, and testatum executions, may
issue, as in other cases: *Provided*, That the plaintiff or ^{Provided:}
defendants so removing, shall first take and subscribe an
oath or affirmation, before one of the judges of the court of
said county, to be filed of record with the cause, that such
removal is not made for the purpose of delay, but because
he or they firmly believe a fair and impartial trial cannot be
had in the said county of Schuylkill: *Provided further*, That ² ^{Provided.}
the party applying for said removal shall first give a bond,
with sufficient security, to the other party, in a sum of
money sufficient to pay all the costs in such action, if the
party applying for such removal be unsuccessful, which
bond shall be filed in the prothonotary's office of Schuylkill
county.

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The twenty-ninth day of March, Anno Domini
one thousand eight hundred and thirty-six.

JOS: RITNER.

No. 70.

An Act

Providing for the call of a Convention to propose amendments to the Constitution of the State, to be submitted to the people thereof for their ratification or rejection.

Preamble.

WHEREAS, in pursuance of an act passed on the fourteenth day of April, one thousand eight hundred and thirty-five, the freemen of this commonwealth have, by a decided majority, determined that a convention shall be holden to propose and submit for their ratification or rejection a new State Constitution: *And whereas*, it is incumbent on the representatives of the people, promptly and without delay, to provide the means of carrying the public will into immediate effect; Therefore,

Day of election.**Number of delegates.****How apportioned.****Manner of opening and holding the election.**

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That an election shall take place in the several election districts of this commonwealth, on the first Friday in November next, for the choice of delegates to a convention, to submit amendments to the constitution of this state to a vote of the people thereof, and that the said convention shall consist of a number equal to the members composing the Senate and House of Representatives of this commonwealth.

SECTION 2. The delegates to the convention shall be apportioned in the same manner that members of the Senate and House of Representatives shall then be by law apportioned.

SECTION 3. For the purpose of electing the aforesaid delegates, polls shall be opened on the said first Friday of November next, in the different election districts of the state, in the manner directed for the holding of the general elections of this commonwealth; and it shall be the duty of the inspectors, judges and clerks of the last preceding general election, to attend at the usual hour and place of holding elections, in the different election districts aforesaid, on the said first Friday of November next, to receive tickets, either written or printed, from the citizens thereof qualified to vote at the general elections, and to deposit them in a proper box or boxes, to be for that purpose provided by the proper officers, which ticket shall be labelled on the outside with the words "Delegates;" and that the said election shall in all other respects be conducted, and returns made and transmitted, as in cases of elections for Senators and Representatives to the general assembly; and the return judges of said election

shall give notice to the persons elected delegates to said Notice to convention, in the same manner that is provided for giving delegates. notice to persons elected to the Senate and House of Representatives of this commonwealth, by the sixteenth section of an act of the fifteenth February, seventeen hundred and ninety-nine, entitled "An act to regulate the general elections within this commonwealth."

SECTION 4. In the event of the absence of any of the said Inspectors, inspectors, judges or clerks, such vacancies shall be filled by &c. the election or appointment, as the case may be, of other Vacancies, persons, to act as inspectors, judges or clerks, in the manner how filled. provided by the general election laws of this commonwealth.

SECTION 5. It shall be the duty of the Secretary of the Returns—Commonwealth, on receiving the returns of the elections duty of held on the said first Friday in November next, for delegates Secretary of to the said convention, from the respective sheriffs, to submit Common'lt. the same to the Governor, who, upon summing up and ascer- Governor's taining the number of votes given for each and every person proclamation: so returned as voted for as delegate, shall thereupon declare, by proclamation, the names of the persons duly chosen and elected delegates to the convention.

SECTION 6. It shall be the duty of the delegates elected Duty of dele- as aforesaid, to assemble at the state capitol at Harrisburg, gates on the first Tuesday of May, eighteen hundred and thirty-seven, and organize by electing a president, and in case of Vacancies, the death or resignation of any of the members of said con- how filled vention, the president thereof shall issue his writs of election, directed to the sheriff of the proper county, directing an election to be held to fill such vacancy or vacancies, in the same manner that is provided for supplying vacancies in the Senate and House of Representatives, and after the said convention shall have so organized, from whence they may, Organization: if they think proper, adjourn to any other place and proceed to the execution of the duties assigned them; and when the amendments shall have been agreed upon by the convention, the constitution as amended shall be engrossed and signed by the officers and members thereof, and delivered to the Duty of Secretary of the Commonwealth, by whom, and under whose Secretary of direction, it shall be entered of record in his office, and be Common'lt. printed as soon as practicable, once a week in at least two The amend- newspapers published in each county in which two or more ed constitu- newspapers are printed, and in all the papers in each county tion to be where not more than two are printed, and in at least six published. newspapers in the city of Philadelphia: *Provided*, That in Proviso. each county in which there is a German paper printed, said paper shall be selected by the Secretary as one of the papers in which the amended constitution is to be printed, until the day of the election that shall be held for the adoption or rejection of the amendments submitted.

Residence of delegates. SECTION 7. No delegate shall be elected to represent any other district than that in which he shall have resided for one whole year next preceeding the election.

Manner of adopting or rejecting the amendments. SECTION 8. For the purpose of ascertaining the sense of the citizens on the expediency of adopting the amendments so agreed upon by the convention, it shall be lawful for said convention to issue a writ of election, directed to the sheriff of each and every county of this commonwealth, commanding notice to be given of the time and manner of holding an election for the said purpose, and it shall be the duty of the said sheriffs respectively to give notice accordingly; and if said election shall not be held on the day of holding the general election, it shall be the duty of the judges, inspectors and clerks of the last preceding general election, in each of the townships, wards and districts of this commonwealth, to hold an election in obedience to the directions of the said convention, in each of the said townships, wards and districts, at the usual place or places of holding the general elections therein, and it shall also be the duty of the said judges and inspectors, to receive at the said election, tickets, either written or printed, from citizens qualified to vote, and to deposit them in a box or boxes, to be for that purpose provided by the proper officers, which tickets shall be labelled on the outside "amendments," and those who are favourable to the amendments, may express their desire by voting each a printed or written ticket or ballot, containing the words "For the amendments," and those who are opposed to such amendments, may express their opposition by voting each a printed or written ticket or ballot, containing the words "Against the amendments;" and a majority of the whole number of votes thus given for or against the amendments, when ascertained, in the manner hereinafter directed, shall decide whether said amendments are or are not thereafter to be taken as a part of the constitution of this commonwealth: *Provided however,* That if the said convention shall declare it to be most expedient to submit the amendments to the people in distinct and separate propositions, it shall be the duty of the said judges, inspectors and clerks, to receive ballots prepared accordingly, or in any way which said convention may direct.

Election on the amendments. SECTION 9. The election on the said proposed amendments shall in all respects be conducted as the general elections of this commonwealth are now conducted, and it shall be the duty of the return judges of the respective counties thereof, first having carefully ascertained the number of votes given for or against the said amendments, in the manner aforesaid, to make out duplicate returns thereof, expressed in words, at length, and not in figures only, one of which returns so made, shall be lodged in the prothon-

Returns.

tary's office of the proper county, and the other sealed and directed to the Secretary of the Commonwealth, which shall be by one of the said judges delivered to the sheriff, with the other returns required by law to be delivered to the Secretary of the Commonwealth.

SECTION 10. It shall further be the duty of the Secretary of the Commonwealth, on receiving the returns of the election for and against the amendments proposed by the convention, to deliver the same to the Speaker of the Senate, on or before the first Thursday of the next session of the Legislature, after said returns shall so be received, who shall open and publish the same, in the presence of the members of the Senate and House of Representatives, on the next Tuesday thereafter; and when the number of votes given for, and the number of votes given against the said amendments shall have been summed up and ascertained, duplicate certificates thereof shall be signed by the Speaker of the Senate, one of which shall be filed in the office of the Secretary of the Commonwealth, and the other delivered to the Governor, whose duty it shall be to declare, by proclamation, whether the said amendments have been or have not been adopted by the freemen of this commonwealth.

Duty of the Secretary of Commonwealth and Speaker of the Senate relative to the returns.
Where certificates to be filed.
Governor's proclamation

SECTION 11. The delegates to the said convention shall be entitled to the same pay and mileage to which members of the general assembly are now entitled, which, together with the pay of a competent stenographer to report the debates of the said convention, and the contingent expenses of the convention, shall be paid by the State Treasurer, on the warrant of the presiding officer of the convention; and it shall be the duty of all officers of this state, and of the State Librarian, to furnish the said convention with such books and papers in their possession, as the said convention may deem necessary.

Pay and mileage of delegates, etc.
Stenographer.
Duty of Librarian and other officers

SECTION 12. Immediately after the final passage of this act, it shall be the duty of the Secretary of the Commonwealth to furnish the sheriff of each respective county in the state with a copy of said act, requiring him to issue his proclamation, to be inserted in at least two newspapers published in each county in which two or more newspapers are printed, and in all the papers in each county where not more than two are printed, once a week for four successive weeks previous to the first Friday in November next, directing the inspectors, judges and clerks of the preceding general election to attend at the proper times and places, and perform the duties imposed upon them by the third section of this act, and stating the object of said election, and the number of delegates to be chosen in said county, and the said inspectors, judges and clerks, shall receive the like compensation for any special election, to be paid them

Duty of Secretary of Commonwealth
Sheriffs to issue the proclamations relative to holding election.

in like manner, as is provided by law for holding general elections.

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The twenty-ninth day of March, Anno Domini,
one thousand eight hundred and thirty six.

JOS. RITNER



No. 71.

An Act

To enable the Governor to incorporate "The Water Works company of the Northern Liberties of Pittsburg."

Commission-
ers appointed
to open
books, etc.

Shares \$50
each, and
form of sub-
scription.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That Alexander Ingram, James Blackely, W. H. Tottany, John H. Shoenberger, Mark Lowrey, John H. Ralston, William Bayne, D. P. Ingersoll, Wilkins M'Nair, Robert Glass, Esq., William Sutch, B. H. Hastings, and Ethrington Appleton, be and they are hereby appointed commissioners to do and perform the several duties hereinafter mentioned, that is to say: they, or any three of them, shall procure a book or books, and therein enter as follows: "We whose names are hereunto subscribed, do promise to pay to the president and managers of the Water Works company of the Northern Liberties of Pittsburg, the sum of fifty dollars for each and every share of stock set opposite to our respective names, in such manner and proportions, and at such times, as shall be determined by the said president and managers, in pursuance of an act of the general assembly, entitled 'An act to enable the Governor to incorporate the Water Works company of the Northern Liberties of Pittsburg;' Witness our hands the day of in the year of our Lord, one thousand eight hundred and thirty- ,"* shall thereupon give notice in two or more of the public newspapers printed

in Pittsburgh, and such other newspapers as they may think proper, of the time and place or places, when and where the said book or books shall be opened to receive subscriptions for the stock of the said company, at which time and places one or more of the said commissioners shall attend, and permit and suffer all persons or bodies corporate, who shall offer to subscribe in said book or books, which shall be kept open for the purpose, at least six hours in every juridical day for three days, if three days shall be necessary, and on the first of said days, any person of the age of twenty-one years shall be at liberty to subscribe in his own name, or in the name of any other person or body corporate, by whom he shall be authorized, for any number of shares not exceeding fifty, and on any succeeding day while the said book shall remain open, for any number of shares in the said stock, and if at the expiration of the said three days, the said book or books shall not have twelve hundred shares therein subscribed, the said commissioners may adjourn from time to time, and from place to place, until the said number of shares shall be subscribed, and when the said number of shares shall be subscribed, the said books shall be closed: *Provided always*, That every person offering to subscribe in the said book or books in his own name, or in the name of any other person or body corporate, shall at the time of subscribing be required to pay to the attending commissioner or commissioners, one dollar on each share, to defray the expenses attending the taking of such subscription and other incidental charges, which expenses and charges the said commissioners shall pay out of the monies so received by them, and the balance, if any, shall be paid over to the treasurer of the said company, as soon as the same shall be organized, as hereinafter mentioned.

Duties of the
commission-
ers relative
to subscrip-
tions.

Whole num-
ber of share
1200.

Proviso.

One dollar to
be paid on
each share at
the time of
subscribing.

SECTION 2. When twenty or more persons shall have subscribed not less than six hundred shares, the commissioners aforesaid, or any three of them may, or when the whole number of the shares aforesaid are subscribed shall, certify under their hands and seals, the names of the subscribers, and the number of shares subscribed by each, and the amount paid on each share, to the Governor of this commonwealth, and if it shall appear from such certificate that the subscriptions have been bona fide made, and the amount required by the said commissioners at the time of the said subscription, actually paid, then the Governor shall, by letters patent, under his hand and the great seal of the state, create and erect the said subscribers, and if the whole number of shares aforesaid be not then subscribed, then also all those who shall afterwards subscribe to the number aforesaid, into one body politic and corporate, in deed and in law, with perpetual succession, and with all the privileges and franchises incident to a corporation, by the name, style

Number of
shares to be
subscribed
preparatory
to incorpora-
tion.

Governor to
issue letters
of incorpora-
tion.

Style of the
incorporated
company.

Powers and
franchises of
the corpora-
tion.

Duty of the
commission-
ers.

Notice to be
given in the
newspapers.

Election of
officers.

To
rules and
by-laws.

Proviso as to
the number
of votes on
each share
of stock.

Stockholders
not to vote
unless all
payments
have been
made in full.

Special pur-
poses of the
corporation.

and title of "The Water Works company of the Northern Liberties of Pittsburgh;" and by such name the said subscribers, and such others as may thereafter become subscribers and shareholders, shall be capable of holding their said capital stock, and the increase and profits thereof, and of enlarging the same from time to time, by new subscriptions, in such manner and form as they shall think proper, not exceeding one hundred thousand dollars, and of purchasing, taking and holding, to them and their successors and assigns, in fee simple, or for any less estate, all such lands, tenements, hereditaments, goods, chattels or effects, as shall be necessary for them in the prosecution of their work, and in the full enjoyment thereof, and the same to sell and dispose of at their pleasure, if necessary, and of doing every act, matter and thing which a corporation or body politic may or can lawfully do.

SECTION 3. The five persons first named in the said letters patent shall, as soon as conveniently may be, give notice in at least two of the public newspapers printed in Pittsburgh, of a time and place to be by them appointed, not less than thirty days after publishing such notice, at which time and place the said subscribers shall proceed to organize the said corporation, and shall choose by a majority of the votes of the said subscribers, by ballot, to be delivered in person or by proxy, one president and six managers, to conduct the business of the said company, who shall continue in office until the next annual election, as hereinafter provided for, and until such other officers shall be elected, and shall make such by-laws, rules and regulations, not inconsistent with the constitution and laws of the United States and of this state, as may be necessary for the well ordering of the affairs of the said company: *Provided however*, That in all such elections one share shall be entitled to one vote; three shares to two votes; five shares to three votes; ten shares to five votes; and every five shares above ten to one vote; and that no person shall be allowed to vote at any such elections, or in determining any question arising at any meeting of the stockholders, whatsoever, unless the full amount of all instalments regularly called for are paid, or in cases of transfers of stock, until sixty days after the transfer is duly registered on the books of the company.

SECTION 4. The corporation hereby created, is so created for the purpose of enabling it to contract with the corporation of the borough of the Northern Liberties of Pittsburg, for the purpose of supplying the said borough with good and wholesome water from the Allegheny river, and such other individuals as may desire a supply of the same, and of erecting the necessary buildings and reservoirs, and of procuring and laying down all main pipes, and all other articles

necessary to the same, and to their repair and preservation, and for no other purpose whatsoever.

SECTION 5. That the stock of the said corporation shall be assignable and transferrable according to such rules as the board of managers may establish, and shall be considered personal property; certificates of stock may be issued or renewed to the several holders thereof, first being duly signed by the president, and countersigned by the secretary or treasurer, and sealed with the common seal of the corporation: *Provided*, That no transfer be made, or certificate given, until all debts due or owing to the company shall be first duly satisfied.

SECTION 6. The said president and managers of the said company may require of and from the treasurer, and of and from all and every person and persons employed by them, bonds, in sufficient penalties, and with sufficient sureties, for the due and faithful discharge of the several duties and trusts to them or any of them committed.

SECTION 7. If any stockholder shall neglect or refuse to pay or cause to be paid, the instalments on the stock held by him, for two months after public notice by advertisement in one or more of the newspapers printed in Pittsburgh, by the managers, requiring such payment, the previous payments or instalments made by such stockholder, and all his interest in the said stock, shall be forfeited to the company: *Provided however*, That nothing herein contained shall be so construed as to prevent the said company from recovering the amount of the capital stock so called for and remaining unpaid.

SECTION 8. The stockholders of the said company shall meet on the first Monday of January in each year, after they shall have received their letters patent, as hereinbefore provided, at such time and place as shall be fixed by the rules and orders of the said company, to be made as aforesaid, for the purpose of choosing one president and six managers, as aforesaid, for the ensuing year, and until other officers are elected, and at such other times as they shall be assembled by the board of managers, at which annual or special meetings, they shall have full power and authority to make, alter or repeal, by a majority of votes, all such by-laws and regulations as aforesaid, and to do and perform every other corporate act: *Provided*, That if it shall happen that an election of president and managers be not made on the day above specified, the corporation shall not for that cause be dissolved, but it shall be lawful on any other day, within sixty days thereafter, to hold and make an election, in such manner as the by-laws of the corporation shall prescribe; and in case of the death, resignation, removal from the state, or other inability to act, of the president or any of the managers, the board of managers shall choose another to supply

his place, until the next election, and the said president and managers, or a majority of them, shall at their first meeting after their election, choose a suitable person as a treasurer and a secretary for the ensuing year.

Special meetings of the board, etc.

Quorum.

Minutes to be kept.

May employ officers and fix their salaries, etc.

Keeping of the accounts of the company.

According to the by-laws.

Regular accounts to be kept.

An annual statement to be made out and placed in the office, etc. for general inspection.

Up to the time the work is fully completed.

Accounts to be kept separately after the completion of the work.

Dividends to be declared half yearly.

SECTION 9. The president and managers shall meet at such time and places, and be convened in such manner, as shall be agreed on, for transacting their business, and at such meetings four members shall be a quorum, and shall, by themselves or secretary, keep minutes of all their transactions, fairly entered into a book to be kept for that purpose, and a quorum being met, they shall have full power and authority to agree with and appoint all such persons as they may judge necessary to erect and carry on the intended works, and to fix their salaries and wages, and to fix and determine the times, manners and proportion when and where the stockholders shall pay the moneys due on their respective shares, in order to carry on the works, to draw orders on the treasurer for all moneys necessarily expended, by orders, which shall be signed by the president, or in his absence by a majority of a quorum, and generally to do and perform all such other acts, matters and things, as by this act and the by-laws, orders and regulations of the company, shall be committed to them.

SECTION 10. The said president and managers of the said company shall keep fair and just accounts of all moneys received by them from the subscribers to the said undertaking, for their subscriptions thereto, and of all forfeitures for the delay or nonpayment thereof, and of all moneys by them expended, and on what account the same was expended, and shall in every year, not more than sixty nor less than thirty days previous to the time of holding an election for officers of the said company, prepare a particular statement thereof, in writing, which, together with the vouchers and other evidences thereto belonging, shall be placed in the office of the treasurer of the company, for the free inspection of any stockholder or member of the company who may think proper to examine the same, until the work shall be completed, and all the costs and charges affecting the same shall be fully paid and discharged; and it shall be the further duty of the said president and managers, after the completion of the said work, and the costs and expenses thereof have been paid and settled, to keep just and fair accounts of all moneys received by them, by their treasurer and other officers, arising from the sale of water rights, water rents, or otherwise, and of the amount by them expended, and shall make and declare a dividend of the profits and income thereof among all the stockholders respectively, and shall, on the first Mondays of April and October in every year, publish the half yearly dividend to be made of said income and profits to and among the stockholders, and

of the time and place when and where the same shall be paid, and shall cause the same to be paid accordingly :

Provided, That no dividend thus made shall impair the capital stock of the said company : *And provided also*, That no person shall be entitled to any share of the dividend declared, who has not paid such amount of the stock held by him as has been required by the president and managers : *And provided further*, That nothing contained in this act shall be construed to authorize the said corporation to issue notes in the nature of bank notes, nor to engage, directly or indirectly, in any banking or monied transaction or concern, nor in any manufacturing or other concern whatsoever, except such as they are by this act expressly authorized to engage therein.

Proviso, not to impair the capital stock of Defaulters not entitled to dividends. Banking powers forbidden.

SECTION 11. Whereas, the incorporation of Northern Liberties of the city of Pittsburg, by an ordinance entitled "An ordinance providing for the erection of water works within the limits of the borough of the Northern Liberties of the city of Pittsburg," passed on the twenty-fourth day of November, in the year of our Lord one thousand eight hundred and thirty-five, have proposed to grant to a joint stock company, to be incorporated by the legislature of Pennsylvania: (*Provided*, The legislature would at their next session incorporate a company for that purpose,) the exclusive right and privilege of supplying the inhabitants of the said borough with good and wholesome water from the Allegheny river, for the term of thirty-one years from and after the first organization of said company, under certain restrictions, contained in the said ordinance: *Be it enacted, &c.* That the corporation hereby created shall be, and they are hereby vested with the exclusive privilege of supplying the said borough of the Northern Liberties with water, for the term of thirty-one years, according to the terms, conditions, restrictions and limitations contained in the said ordinance, and upon no other terms or conditions whatsoever.

Preamble. Reference to the borough ordinance. Recital of the provisions of the borough ordinance.

Exclusive privileges granted according to the terms of borough ordinance.

SECTION 12. This act of incorporation shall continue and remain in full force for thirty-one years from the date hereof, and for one year thereafter, for the purpose of enabling the said corporation, if necessary, to settle its accounts and concerns, and no longer : *Provided however*, That if at any time within the said period of thirty-one years, the said president and managers, with the assent of the stockholders, at a general meeting to be called for that purpose, should dispose of their joint stock to the corporation of the borough of the Northern Liberties aforesaid, according to the provisions of the herein before recited ordinance, then and in such case, and in such case only, the provisions of this act of incorporation shall cease and determine from the execution of such transfer, sixty days previous notice of such transfer, having actually been made and completed, to be previously

Act to continue for thirty years. Provision as to the sale of the rents to the borough by the company on the terms mentioned in the ordinance. Public notice to be given of such sale or transfer.

published, in at least two of the newspapers printed in Pittsburgh.

To com-
mence the
work within
one year and
finish with-
in five years.

Power to an-
nul etc. re-
served by the
legislature.

Inhabitants
or freehold-
ers of the city
may be wit-
nesses.

SECTION 13. If the company to be incorporated by the provisions of this act, shall not within one year after the passage of this act commence the erection of the said water works, or shall not within five years from and after the date hereof erect and complete the works herein contemplated and authorized, according to the true intent and meaning of the terms and conditions of the herein before recited ordinance, then, and in either case, all the privileges hereby granted shall cease and determine: *Provided however*, That the legislature reserve the right in the event of the said company violating any of the provisions of this act, to revoke, alter or amend the charter hereby granted.

SECTION 14. That no person who is an inhabitant or freeholder of the city of Philadelphia, shall for that reason be considered an incompetent witness, in any court of justice in this commonwealth, in a case in which the mayor, aldermen and citizens of Philadelphia are or shall be parties.

NER MIDDLESWARTH,

Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,

Speaker of the Senate.

APPROVED—The twenty-ninth day of March, Anno Re-
mini, one thousand eight hundred and thirty-six.

JOS: RITNER.

No. 72.

An Act

To repeal an act entitled "An act to prohibit in courts of justice the reading or quoting of British precedents, subsequent to the fourth of July, one thousand seven hundred and seventy-six.

British
precedents

SECTION. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That an act entitled "An act to prohibit in courts of justice the reading and quoting of British precedents, subsequent to fourth July, one thousand seven

hundred and seventy-six," passed the nineteenth March, one thousand eight hundred and ten, be and the same is hereby repealed.

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The twenty-ninth day of March, Anno Domini, one thousand eight hundred and thirty-six.

JOS: RITNER.

No. 73.

An Act

To provide for a Geological and Mineralogical survey of the State.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the Governor to authority of the same, That the Governor is hereby author-appoint a ge-*
lized and required, within thirty days after the passage of ologist.
this act, to appoint a state geologist, of talents, integrity,
and suitable scientific and practical knowledge of his profes- Assistants.
sion, who shall appoint as his assistants two geologists, also
of integrity and competent skill, one of whom shall also be
a scientific and practical mineralogist, and the said state
geologist shall also appoint a competent, practical, analyti-
cal and experimental chemist to assist him in his duties.

SECTION 2. It shall be the duty of the said state geologist **Geologist &**
 and his assistants, immediately to commence, and to carry **assistants to**
 on with as much expedition and despatch as may be con- **make a full**
 sistent with minuteness and accuracy, and in accordance with **geological &**
 a plan previously submitted to the Secretary of the Com- **mineralogi-**
 monwealth, a geological and mineralogical survey of the **cal survey,**
 state, with a view to determine the order, succession, **etc.**
 arrangement, relative position, and the dip or inclination,
 and also the comparative magnitude of the several strata or
 geological formations within the state, and to discover and

examine all beds and deposits of ores, coals, clays, marls, and such other mineral substances as may be deemed useful or valuable, together with such other duties as may be necessary to make a full and complete geological and mineralogical survey of the state.

Geologist to make annual report of his progress to the Sec'y. of Common'lt. who is to lay the same before the legislature.

Geological formations to be delineated and marked upon the map. Memoir.

Specimens to be sent to the Sec'y. of common'lt.

Specimens of each county to be sent to the commissioners thereof, etc.

Duty of the chemist.

Annual appropriation \$6,400. How expended.

SECTION 3. It shall further be the duty of the said state geologist, on or before the first day of January in each and every year, during the time necessarily occupied by said survey, to make an annual report of the progress of the said survey, accompanied with such maps, drawings and specimens, as may be necessary and proper to exemplify and elucidate the same, to the Secretary of the Commonwealth, who shall immediately lay such report before the legislature.

SECTION 4. The said state geologist is further required to cause to be represented on the map of this commonwealth, by colours and other appropriate means, the various areas occupied by the different geological formations in the state, and to mark thereon the localities of the respective beds or deposits of the various mineral substances discovered, and on the completion of the survey, to compile a memoir of the geology and mineralogy of the state, comprising a complete account of the leading subjects and discoveries which have been embraced in the survey.

SECTION 5. The said state geologist shall also send to the Secretary of the Commonwealth such specimens of the rocks, ores, coals, soils, fossils and mineral products discovered, as he may deem proper and necessary, in order to form a complete cabinet collection of specimens of the geology and mineralogy of the state, and the said Secretary of the Commonwealth shall cause them to be deposited in proper order, in some convenient room in the state capitol, there to be preserved for public inspection; the said geologist is further required to furnish similar specimens of the geology and mineralogy of each county in the state to the commissioners of said county, who shall cause the same to be properly deposited and arranged for public inspection, in a room of the county courthouse, or some other convenient place in the county.

SECTION 6. It shall be the duty of the chemist appointed as aforesaid, to make full and complete examinations, assays and analyses of all such rocks, ores, soils, mineral substances and mineral waters, as may be submitted to him by the state geologist, and to furnish him with a detailed and complete account of the results so obtained.

SECTION 7. For the purpose of carrying on and completing the said geological and mineralogical survey, the sum of six thousand four hundred dollars is hereby annually appropriated for five years, to be expended as follows: for the annual salary of the state geologist two thousand dollars; for that of each of the assistant geologists twelve hundred dollars;

and for the annual compensation of the chemist, in full for all services performed and expenses incurred by him, one thousand dollars; the remaining one thousand dollars, if necessary, to be appropriated to the incidental expenses of the geologists, incurred in the prosecution of the survey, and the duties enjoined on them by this act: *Provided*, That the said salaries shall not commence until the said geologists and chemist shall have entered upon the execution of their duties, and that on the completion of said survey and the duties connected with it, they shall wholly cease and determine.

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The twenty-ninth day of March, A. D.,
eighteen hundred and thirty-six.

JOS.: RITNER.

No. 74.

An Act

To authorize the trustees of Eliza Macferran and Amanda Malvina Baker, to sell and convey certain real estate, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That Jacob S. Baker, Joseph E. Baker, and William Macferran, or the survivors or survivor of them, trustees of Eliza Macferran and Amanda Malvina Baker, and such other persons or person, as may hereafter become trustees, be and they are hereby authorized and empowered to sell and dispose of, at public or private sale, two sundry lots or pieces of ground, with the improvements, situate in the Northern Liberties in the county of Philadelphia, and particularly described in two certain indentures to the said trustees, one dated June fourteenth, Anno Domini, one thousand eight hundred and thirty-one, and recorded in the office for recording of deeds in and for the city and

Trustees of
E. Macferran
and A. M.
Baker, em-
powered to
sell at public
or private
sale two lots
or pieces of
ground.

county of Philadelphia, in deed book A. M. number nineteen, page six hundred and sixty-six; and the other dated July fourteenth, Anno Domini, one thousand eight hundred and thirty-one, and recorded in said office, in deed book A. M. number nineteen, page six hundred and sixty-nine, and to make good and sufficient deeds of conveyance therefor, to the purchaser or purchasers thereof, in fee simple, or for less estate: *Provided*, That the whole proceeds of such sale shall be invested in other real estate, and the investments held by said trustees, upon the same trusts as set forth in the indenture aforesaid: *And provided further*, That the same shall be taken and held by the purchaser, discharged from the trusts aforesaid, and without any liability on the part of such purchaser or purchasers as to the application of the purchase money.

Proviso.

2d Proviso.

The adm'r. of A. M'Ilvain, to sell certain real estate.

SECTION 2. That William M'Ilvain, administrator with the will annexed of Alexander M'Ilvain, late of York, now Adams county, deceased, be and he is hereby authorized to sell, at public sale, and convey, all that part of the real estate late of said Alexander M'Ilvain, deceased, in the township of Mount Pleasant, in the county of Adams, devised by said testator to his wife, during her natural life, being the undivided half of seventy acres, more or less, and shall distribute and pay over the proceeds of said sale to the persons entitled thereto by law.

Aud'r. General to allow a sum not exceeding \$30, for a seal and screw for Sup. court, mid. dis.

SECTION 3. That the Auditor General, in settling the account of the prothonotary of the middle district of the Supreme court, shall allow him to retain in his hands a sum not exceeding thirty dollars, to procure a seal and screw for the use of said court, to be made after the design expressed in the act forming the middle district of the Supreme court.

NER MIDDLESWARTH,

Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,

Speaker of the Senate.

APPROVED—The twenty-ninth day of March, Anno Domini one thousand eight hundred and thirty-six.

JOS : RITNER.

No. 75.

A Further Supplement

To the act entitled "An act to incorporate the Mine Hill and Schuylkill Haven Railroad company."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the better to enable the Mine Hill and Schuylkill Haven railroad company to carry into effect the objects of their incorporation, the capital stock of the said company may be increased, in such manner and at such times as the board of managers of the said company may determine, to an amount not exceeding in the whole eight thousand shares. Capital stock may be increased to 8000 shares.

SECTION 2. If the board of managers of the said company shall think it expedient to use locomotive engines and tenders on the said railroad, or on the lateral railroads thereof, constructed by the said company, for the conveyance of passengers, merchandise, or other commodities, or to permit the same to be done by others, that the said company shall have authority so to do, and to make such regulations concerning the same as may be necessary, with like penalties for the infraction thereof, and remedies for the recovery of the same, as are now or hereafter may be prescribed by law, in regard to the use and regulation of the motive power on the railroads of this commonwealth, or of any of the unincorporated companies thereof. Locomotive engines may be used under certain regulations.

SECTION 3. The said company shall have the right to charge for the use of the motive power provided by them, at a rate not exceeding one and a half cents per ton per mile for merchandise or other commodities, and not exceeding five cents per mile for every passenger, which may be conveyed by the motive power, employed on the said railroad aforesaid, exclusive of the tolls now chargeable. Rate of charge for the use of motive power

SECTION 4. If after the said company shall have had in operation on the said road, locomotive engines as aforesaid, for the space of an entire season, a majority of the land owners, or their legal representatives, from whose lands more than one half of the whole amount of coal which shall have been transported over the said road during the season last passed, shall have been taken, shall present a requisition, duly signed by them, to the managers of the said company, expressing their desire that the use of locomotive engines may be discontinued on the said road, it shall be the duty of the said company, after the termination of the season, to discontinue the use of locomotive engines to be discontinued upon due requisition being made.

season then next approaching, to withdraw the said engines from the said road; and the powers given to the said company by the second and third sections of this act shall be then suspended, and so remain until an application shall be made to the managers by a majority of the land owners, or their legal representatives, as aforesaid, to resume the use of locomotive engines: *Provided*, That nothing herein contained shall prevent the said company from discontinuing the use of the said locomotive engines at any time, after giving three months public notice thereof: *And provided further*, That after and so long as the said company shall use locomotive engines on the said road, the same powers and privileges shall be given to any person or persons to use upon the said road locomotive engines, for the purposes aforesaid, subject to the same rules and regulations as that of the company's locomotive.

The use thereof may be resumed.
Proviso.

2d Proviso.

Single or double tracks may be laid down.

Annual meeting and election.

Relative to oil and coal.

Horse power and locomotives.

Repealing clause.

SECTION 5. In the construction of the lateral roads which the said company are authorized by law to make, or in the reconstruction of the road now in use, the board of managers of the said company shall have the right to lay down a single or a double track, as they shall think fit, and to extend the said lateral roads any distance not exceeding ten miles.

SECTION 6. The annual meetings of the stockholders of the said company shall hereafter be held on the second Monday of January, when an election of a president and ten managers of the said company shall be held, agreeably to the provisions of the fifth section of the act incorporating the said company, and the president and managers now in office, shall continue therein until the second Monday of January next.

SECTION 7. It shall be the duty of the said company, after locomotives shall have been placed upon the said road, to furnish oil for the cars on the said road while in use thereon at their expense, and also to carry coal and other commodities on said road, so as to avoid the necessity of horse power on any portion thereof now made below the inclined plane near Mine Hill; and also, on the road on West Branch, to the town of Llewellyn, until they shall discontinue the use of locomotives, in the manner and upon the notice stipulated and provided for in the fourth section.

SECTION 8. So much of the act incorporating the said company, and of such other acts of assembly as are inconsistent with the provisions of this act, be and the same are hereby repealed.

NER MIDDLESWARTH,
Speaker of the House of Representatives.
THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The twenty-ninth day of March, Anno Domini one thousand eight hundred and thirty-six.

JOS : RITNER.

No. 76.

A Supplement

To an act entitled "An act to provide for the erection of a house for the employment and support of the poor in the county of Washington," passed the sixth day of April, Anno Domini, one thousand eight hundred and thirty; and also, "An act to incorporate the Monongahela Manual Labour Academy."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That all such fines, penalties and forfeitures as are by the fourteenth section of the act to which this is a supplement, made payable to the supervisors, to be by them applied to the repair of the highways, shall, after the first day of May next, be paid to the treasurer of the county of Washington, for the use of the poor of said county. Fines, etc. applied under the 14th section of the original act to highways, now to be paid to the treasurer of the county.

SECTION 2. The powers conferred, and the duties imposed on the overseers of the poor in and by an act to empower the overseers and guardians of the poor of the several townships within this commonwealth to recover certain fines, penalties and forfeitures, and for other purposes, are hereby conferred and imposed on the treasurer of said county, and that the justices of the peace and sheriff within the said county, are hereby required and enjoined to pay to the said treasurer the aforesaid fines, penalties and forfeitures, within the time and the manner prescribed for the payment thereof in other counties, to the overseers of the poor, and to cause notice of the receipt thereof to be given to the said treasurer, within the time and in the manner prescribed in said act, and that for any neglect or refusal to perform any of the duties enjoined on them by said act, the said justices of the peace and sheriff in the said county, shall be subject to all indictments, fines, penalties and forfeitures, to which the justices and sheriffs in other counties by the said act are subject or liable. Powers and duties of overseers conferred & imposed on the treasurer. Justices and sheriff enjoined to pay fines, etc. to the treasurer. Penalty for neglect.

SECTION 3. All actions of debt or of trespass, on the case brought by said treasurer for the recovery of any fines, forfeitures and penalties, by virtue of the powers and authorities conferred upon him by this act, shall be in the name of the commonwealth of Pennsylvania, for the use of the poor of Washington county; the said treasurer shall keep a separate and fair account, in a book for that purpose, of all moneys received by him under the provisions of this act, and pay the same to the orders of the directors of the poor and house of employment for the county of Washington, Actions to be brought in the name of the commonwealth: Treasurer to keep fair accounts.

Accounts to be audited. and that said treasurer's account shall be audited by the same persons, and in the manner as his other accounts are audited; and moreover, every justice of the peace within said county shall annually, at the settlement of the said treasurer's account, exhibit his docket, if required, for the inspection of the auditors.

Repeal of 10th section of original act. SECTION 4. The tenth section of the act passed the sixth day of April, Anno Domini, one thousand eight hundred and thirty, to which this is a supplement, be and the same is hereby repealed.

Trustees appointed. Body corporate, with powers. Name, style and title. Seal. Trustees shall meet. SECTION 5. That James Estep and Andrew Johnson of the county of Westmoreland, Ezekiel Harker, Jesse Lippencott, John Stover and William Shadrach of Allegheny county, and Enoch Wright, Daniel Moore, Jonathan Letherman, William Ihmsen, Robert Finley and Ephraim Estep of Washington county, Jesse Evans, Esquire, Benoni Allen and William Bryson of Fayette county, Robert Lowry of Armstrong county, and John Rush of Somerset county, and Robert Jones of Greene county, be and they are hereby appointed trustees to do and perform the duties hereafter to be mentioned, and they and their successors are hereby created a body corporate, with power as such to hold real and personal estate, whether accruing by purchase, gift or legacy, and the same to hold in trust, and again to transfer by bargain and sale, and a title therefor to make, in the same manner that individuals might or could do; to sue and be sued, by the name, style and title of the trustees of the Manual Labor Academy, and by the same name, style and title, to have perpetual succession, to use a common corporate seal, and the same to alter or change at their pleasure: *Provided*, That the annual rental shall not exceed the sum of twenty-five hundred dollars.

Notice. Oath. Future meetings. President, secretary and treasurer. Annual election. SECTION 6. The trustees shall meet at as early a period as possible after the passage of this act, at the town of Williamsport, on the Monongahela river, and the first two trustees in this act named, are hereby required to give their colleagues a written notice of the time and place of meeting, at which first meeting they shall take an oath or affirmation, before some judge or justice of the peace, to support the constitution of this state and of the United States, and to discharge with fidelity the duties of their appointment while they continue in office; they shall thereafter meet at such times and places as they or a majority of them may determine on; they shall choose from among themselves a president, appoint some suitable person to act as secretary; they shall also choose a treasurer, who shall, before he enters on the duties of his office, give bond, with sufficient security, to perform faithfully the duties of his appointment; they shall also meet on the second Tuesday of May, annually thereafter; they shall on the said second Tuesday in May divide

themselves into three classes ; the first class shall go out of office at the end of one year thereafter, and so on, so that one third may be renewed every year ; at the meeting next preceeding the annual meeting, they shall nominate at least double the number that may be necessary to fill the vacancy that may occur, at which election they shall vote by ballot, and be otherwise governed by such by-laws as may have been created. Vote by bal-
lot.
Book of sub-
scription.

SECTION 7. The trustees shall, as soon as possible, proceed to open books of subscription, made payable in such instalments as they or a majority of them may think proper, and as soon as three thousand dollars shall be paid, or secured to be paid, they shall proceed to purchase a site whereon to establish the contemplated seminary, so as not to contain less than ten acres of tilable land, and thereon to erect suitable buildings for the purpose of opening a school of learning, in which may be taught all those branches of learning usual in academies of the highest grade, which shall be open to all persons who shall conform to the rules and regulations adopted by the board of trustees for the government of the institution, in which rules and regulations no sectarian test shall ever be required. Site of the
seminary.
Rules and
regulations.
Trustees to
give a fair
and full
statement of
all their pro-
ceedings.

SECTION 8. The trustees are hereby required to give a fair and full statement to such of the contributors as may attend the annual meeting, of all their proceedings in relation to the trust committed to them; they are to give a statement of all the fund that may have come into their hands, the number of pupils under their care, the amount of the proceeds of the labor of the pupils, the monthly expenses of a pupil at the seminary, so that a fair estimate may be had, and opinion formed of the advantages or disadvantages of the manual labor plan of education. Expenses
limited.

SECTION 9. The trustees are never to involve the institution in any pecuniary embarrassment whatever, but always to keep their expenses within the limits of their fund, that they are to receive no pecuniary compensation for their services, excepting necessary stationary, and postages of letters connected with the business of the institution. Executive
committee.

SECTION 10. The trustees at their annual or any other meeting, may appoint an executive committee, of not less than six members, any four of whom shall be a quorum to do business, to whom shall be committed the carrying into effect any instructions or resolutions of the board of trustees; it shall be their duty to call a meeting of the board when in their opinion the interest of the institution shall require such meeting; they shall lay before the board at every subsequent meeting, all the business that they may have transacted as the executive committee of the board. By-laws.

SECTION 11. The board shall have power, and it is hereby made their duty, to make such by-laws for their own govern-

Proviso.

ment and the government of the institution, as they or a majority of them may deem necessary: *Provided*, That they be not contrary to the spirit and meaning of this act, nor to the constitution and laws of this state or of the United States, which rules and regulations shall always be open to the inspection of the students, their parents and guardians.

NER MIDDLESWARTH,

Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,

Speaker of the Senate.

APPROVED—The twenty-ninth day of March, Anno Domini, one thousand eight hundred and thirty-six.

JOS: RITNER.



No. 77.

An Act

To incorporate the Chester and Delaware county Railroad company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That John Kerlin, Joshua P. Eyre, William Martin, William Eyre, junior, Samuel Edwards, A. T. Dick, Preston Eyre, Samuel West, John Dutton, John Garrett, Thomas Dutton, Richard S. Smith, John P. Crozer, Doctor Samuel Anderson, Daniel Lammott, Abraham W. Sharpless, John Edwards, Thomas Hemphill, James M. Wilcox, James Hickman, Hill Brenton, William G. Flauer, Samuel Riddle, and Joseph P. Yarnall, and William Beatty, of the county of Delaware, David Townsend, William Williamson, Sampson Babb, William Everhart, John W. Townsend, Walker Yarnell, George G. Ashbridge, Joseph M. Downing, Richard M. Thomas, Charles Downing, Henry Hoops, Thomas Park, Isaac Downing, Thomas S. Woodward, and Abiah Taylor of the county of Chester, and Joseph Hemphill, Mathew L. Bevan, Edward Coleman, Mathew Newkirk, Doctor Robert M. Huston, David Lewis, junior, Casper W. Sharples, Truman M. Hubbell, John W. Ashmead, John Lent, Francis M'Bride, William Moore, Thomas M. Femington, James M'Closkey, John Jones, Thomas. D. Grover, John W.

Odenhimer, M. N. Everly, Peter Williamson, Robert Coburn, Lewis Allen, Rees W. Flauer, John Pearce, and James P. Smith of the city and county of Philadelphia, or any five of them, are hereby appointed commissioners to do and perform the several things hereinafter mentioned, that is to say: they shall procure a sufficient number of books, and in each of To procure them enter as follows: "We whose names are hereunto books. subscribed, do promise to pay to the president and managers Form of sub- of the Chester and Delaware county railroad company, the scription. sum of fifty dollars for every share of stock set opposite to Shares \$50 our respective names, in such manner and proportions, and each. at such times, as shall be determined by the president and managers of the said company, in pursuance of an act of the general assembly of this commonwealth, entitled 'An act to incorporate the Chester and Delaware county railroad company;' Witness our hands, this day of in the year of our Lord one thousand eight hundred and ;"

And shall thereupon give notice, in two of the newspapers Notice. printed in the counties of Chester and Delaware, and two in the city of Philadelphia, for twenty days at least of the times and places when and where the said books shall be kept open to receive subscriptions for the stock of the said company, at which respective times and places, one or more of the commissioners shall attend, and permit all persons of lawful age who shall offer to subscribe in the said books, in Who may their own names, or in the names of any other persons who subscribe. shall authorize the same, for shares in the said stock, and the said books shall be kept open respectively for the said purpose, at least six hours in each juridical day, for the space of three days, or until there shall have been subscribed four thousand shares; and if at the expiration of three days, the book or books aforesaid shall not have the number of shares aforesaid therein subscribed, the said commissioners may adjourn from time to time, and transfer the book or books elsewhere, until the whole number of four thousand shares Whole num- shall be subscribed, of which adjournment and transfer, the ber of shares commissioners aforesaid shall give such public notice as the 4000. occasion may require, and when the whole number of shares shall have been subscribed, then the books shall be closed:

Provided, That no person shall be permitted to subscribe, Proviso. in his own name or in the name of another person, for more than ten shares on the first day, after which any person may subscribe for any number of shares until the whole stock is taken.

SECTION 2. When two thousand shares or more of the When letters stock shall have been subscribed, and the sum of five dollars patent shall paid on each and every share, the commissioners, or a major- issue. ity of them, may certify to the Governor, under their hands and seals, the names of the subscribers, and the number of shares subscribed by each, and the sums paid thereon, where-

Name style and title. Powers and privileges.	<p>upon the Governor shall, by letters patent, under his hand and the seal of the commonwealth, create and erect the subscribers, and if the subscription be not full at the time, then also those who shall thereafter subscribe to the number of shares as aforesaid, into a body politic and corporate, in deed and in law, by the name, style and title of "The Chester and Delaware county railroad company;" and by the same name the subscribers shall have perpetual succession, and be able to sue and be sued, plead and be impleaded, in all courts of record and elsewhere, and to purchase, receive, have, hold and enjoy, to them and their successors, lands, tenements and hereditaments, goods, chattles, and all estate, real and personal or mixed, of what kind or quality soever, and the same from time to time to sell, mortgage, grant alien or dispose of, and to make dividends of such portions of the profits as they may deem proper, and also to make and have a common seal, and the same to alter or renew at pleasure, and also to ordain, establish and put in execution such by-laws, ordinances and regulations, as shall appear necessary and convenient for the government of the said corporation, not being contrary to the constitution and laws of the United States or of this commonwealth, and generally to do all and singular, the matters and things which to them it shall lawfully appertain to do for the well being of the said corporation, and the due management and ordering the affairs of the same: <i>Provided</i>, That nothing herein contained shall be considered as in any way giving to the said corporation any banking, manufacturing or trading privileges whatsoever, or any other liberties, privileges or franchises, but such as may be necessary or incident to the making of the said railroad: <i>Provided further</i>, That the said company shall at no time hold or possess any land for any other purpose than the construction of the said railroad, or for toll houses, depots, weigh houses, or other necessary works.</p>
Seal.	
By-laws.	
Proviso.	
2d Proviso.	
Notice.	
Organization of the company. Proxies.	<p>SECTION 3. The said named commisssioners, or any five of them, shall, as soon as conveniently may be after the said letters patent shall have been obtained, give at least twenty days notice, in the newspapers hereinbefore mentioned, of the time and place by them appointed for the subscribers to meet, in order to organize the said company, and to choose, by a majority of votes of the said subscribers, by ballot, to be given in person or by proxy, which proxy shall have been obtained and bear date within three months previously to the election at which such proxy shall be presented, duly authorized, one president and eight managers, all of whom shall be residents of this commonwealth; the president and managers aforesaid, shall conduct the business of said company until the second Monday in January then next ensuing, and until like officers shall be chosen, and</p>

may make such by-laws, rules, orders and regulations, as are not inconsistent with the constitution and laws of the United States or of this state, and that may be necessary for the well governing the affairs of the company.

SECTION 4. The stockholders shall meet on the second Annual election. Monday of January then next, as aforesaid, at such place as may be fixed upon by the by-laws, of which notice shall be given at least twenty days, in the newspapers before mentioned, and choose, by a majority of votes present, the officers for the ensuing year, as mentioned in the third section of this act, and on the same day in each and every year thereafter, a like election shall take place, when the necessary officers shall be elected, to continue in office for one year, or until others are chosen, and the stockholders Meetings of shall also meet at such other times as they may be summoned the stock- by the managers, in such manner and form as shall be pre- holders. scribed by the by-laws, at which annual or special meetings, they shall have full power and authority to make, alter or repeal, by a majority of votes, in manner aforesaid, all such by-laws, rules, orders and regulations as aforesaid, and to do and perform every other corporate act, and the number of votes to which each stockholder shall be entitled to at all elections, shall be according to the number of shares he or Ratio of she shall hold, in the proportions following, that is to say: votes to the shares, for each share not exceeding five shares, five votes; for every two shares above five and not exceeding ten, one vote; for every ten shares above ten and not exceeding forty, one vote; for every twenty shares above forty and not exceeding one hundred, one vote; but no share or number of shares above one hundred, as aforesaid, shall confer any additional right of voting; and no share shall confer a right of suffrage which shall not have been holden three calendar months prior to the day of election, nor unless it be holden by the person in whose name it appears, absolutely and bona fide in his own right, or in that of his wife, or for his or her sole use and benefit, as an executor or administrator, trustee or guardian, or in the right and for the use and benefit of some co-partnership, corporation, or society, of which he or she may be a member, and not in trust for and to the use and benefit of any other person: *Provided*, That no person shall be permit- Proviso. ted to vote at the first election of said company, unless he or she shall have fully paid five dollars on each share of stock by him or her subscribed, as directed by the second section of this act, and at all subsequent elections of said company, no persons shall be permitted to vote unless he or she shall have fully paid all the instalments called for and then due on the shares by him or her subscribed; and all votes by proxy shall be on such terms and conditions as are prescribed by the act passed on the twenty-eighth day of March, in the year of our

Name style and title. Powers and privileges.	<p>upon the Governor shall, by letters patent, under his hand and the seal of the commonwealth, create and erect the subscribers, and if the subscription be not full at the time, then also those who shall thereafter subscribe to the number of shares as aforesaid, into a body politic and corporate, in deed and in law, by the name, style and title of "The Chester and Delaware county railroad company;" and by the same name the subscribers shall have perpetual succession, and be able to sue and be sued, plead and be impleaded, in all courts of record and elsewhere, and to purchase, receive, have, hold and enjoy, to them and their successors, lands, tenements and hereditaments, goods, chattles, and all estate, real and personal or mixed, of what kind or quality soever, and the same from time to time to sell, mortgage, grant alien or dispose of, and to make dividends of such portions of the profits as they may deem proper, and also to make and have a common seal, and the same to alter or renew at pleasure, and also to ordain, establish and put in execution such by-laws, ordinances and regulations, as shall appear necessary and convenient for the government of the said corporation, not being contrary to the constitution and laws of the United States or of this commonwealth, and generally to do all and singular, the matters and things which to them it shall lawfully appertain to do for the well being of the said corporation, and the due management and ordering the affairs of the same: <i>Provided</i>, That nothing herein contained shall be considered as in any way giving to the said corporation any banking, manufacturing or trading privileges whatsoever, or any other liberties, privileges or franchises, but such as may be necessary or incident to the making of the said railroad: <i>Provided further</i>, That the said company shall at no time hold or possess any land for any other purpose than the construction of the said railroad, or for toll houses, depots, weigh houses, or other necessary works.</p>
Seal.	
By-laws.	
Proviso.	
2d Proviso.	
Notice.	<p>SECTION 3. The said named commisssioners, or any five of them, shall, as soon as conveniently may be after the said letters patent shall have been obtained, give at least twenty days notice, in the newspapers hereinbefore mentioned, of the time and place by them appointed for the subscribers to meet, in order to organize the said company, and to choose, by a majority of votes of the said subscribers, by ballot, to be given in person or by proxy, which proxy shall have been obtained and bear date within three months previously to the election at which such proxy shall be presented, duly authorized, one president and eight managers, all of whom shall be residents of this commonwealth; the president and managers aforesaid, shall conduct the business of said company until the second Monday in January then next ensuing, and until like officers shall be chosen, and</p>
Organization of the company. Proxies.	

may make such by-laws, rules, orders and regulations, as are not inconsistent with the constitution and laws of the United States or of this state, and that may be necessary for the well governing the affairs of the company.

SECTION 4. The stockholders shall meet on the second Annual election. Monday of January then next, as aforesaid, at such place as may be fixed upon by the by-laws, of which notice shall be given at least twenty days, in the newspapers before mentioned, and choose, by a majority of votes present, the officers for the ensuing year, as mentioned in the third section of this act, and on the same day in each and every year thereafter, a like election shall take place, when the necessary officers shall be elected, to continue in office for one year, or until others are chosen, and the stockholders shall also meet at such other times as they may be summoned Meetings of the stockholders by the managers, in such manner and form as shall be prescribed by the by-laws, at which annual or special meetings, they shall have full power and authority to make, alter or repeal, by a majority of votes, in manner aforesaid, all such by-laws, rules, orders and regulations as aforesaid, and to do and perform every other corporate act, and the number of votes to which each stockholder shall be entitled to at all elections, shall be according to the number of shares he or she shall hold, in the proportions following, that is to say: Ratio of votes to the shares, for each share not exceeding five shares, five votes; for every two shares above five and not exceeding ten, one vote; for every ten shares above ten and not exceeding forty, one vote; for every twenty shares above forty and not exceeding one hundred, one vote; but no share or number of shares above one hundred, as aforesaid, shall confer any additional right of voting; and no share shall confer a right of suffrage which shall not have been holden three calendar months prior to the day of election, nor unless it be holden by the person in whose name it appears, absolutely and bona fide in his own right, or in that of his wife, or for his or her sole use and benefit, as an executor or administrator, trustee or guardian, or in the right and for the use and benefit of some co-partnership, corporation, or society, of which he or she may be a member, and not in trust for and to the use and benefit of any other person: *Provided*, That no person shall be permitted to vote at the first election of said company, unless he or she shall have fully paid five dollars on each share of stock by him or her subscribed, as directed by the second section of this act, and at all subsequent elections of said company, no persons shall be permitted to vote unless he or she shall have fully paid all the instalments called for and then due on the shares by him or her subscribed; and all votes by proxy shall be on such terms and conditions as are prescribed by the act passed on the twenty-eighth day of March, in the year of our

Tax.

of the commonwealth, a tax of eight per centum on all dividends which may exceed six per centum on the capital stock actually paid in.

Route.**One or more tracks.**

Not to obstruct the Pennsylvania railroad, or pass through burying grounds, etc.

May enter upon lands for materials on certain conditions.

Power to erect works, and to purchase lands, etc. for the purpose of erecting scales, toll houses, etc.

Power to occupy land for certain purposes.

SECTION 10. The president, managers and company of the said railroad, shall have power to survey, lay down, ascertain, mark and fix such routes as they shall deem expedient for said railroad, with one or more tracks, beginning at the most eligible point on the river Delaware, at or near the borough of Chester, and to extend from thence to the most convenient point on the Philadelphia and Columbia railroad, making West Chester or its vicinity a point, and keeping along the valley of Chester creek, or as near thereto as conveniently may be, and having due regard to the situation and nature of the ground, and of the buildings thereon, the public convenience, and the interest of the stockholders, and so as to do the least damage to private property, and to be so constructed as not to impede or obstruct the transit on the Pennsylvania railroad; and the said railroad shall not pass through any burying ground, nor place of public worship, nor any dwelling house, without the consent of the owner thereof, nor shall it pass through any out buildings of the value of two hundred dollars without such consent.

SECTION 11. The said president and managers, by and with their superintendents, engineers, artists, workmen and laborers, with their tools, instruments, carts, wagons and other carriages, and beasts of draught and burden, may enter upon the lands contiguous and near to said railroad, first giving notice to the owners or occupiers thereof, and from thereon to take and carry away stone or gravel, sand or earth, doing as little damage thereto as possible, and repairing any breaches they may make in the inclosures thereof, and making amends for any damage that may have been done thereon, the amount whereof, if the parties do not agree, shall be assessed as hereinafter mentioned in this act.

SECTION 12. It shall and may be lawful for the company hereby incorporated, to make, erect, and establish a railroad, on the route laid out as aforesaid, connecting with the Philadelphia and Columbia railroad, and they are also hereby empowered to erect, make and establish all works, edifices and devices, to such railroad, as may by the said company be deemed expedient for the purpose of carrying into effect the objects of their incorporation, and also, to contract or agree with the owner or owners for the purchase of any lands or tenements which may be necessary for the purpose of erecting the said railroad, weigh scales, toll houses, depots and warehouses, or other necessary appendages.

SECTION 13. The said president and managers shall have power and authority, by themselves or their superintendents, engineers, artists and workmen, to enter in and upon, and occupy all land on which the said railroad or its depots and

warehouses may be located, or which may be necessary for the erection of its engine and water stations, weigh scales, or any other purpose necessary or useful in the construction and repairs of said railroad, and therein to dig and embank, make and construct the same; and the said company shall pay or satisfy the owner or owners of the ground so taken and occupied as aforesaid, but if the parties cannot agree upon the compensation to be made to such owner or owners, it shall and may be lawful for the parties to appoint five suitable, judicious and disinterested persons, residing in the county wherein the lands may lie, who shall be under oath or affirmation fairly and impartially to estimate the same; but if either party refuses to join in such appointment, or they cannot agree upon such persons, then either of the parties, after giving ten days notice to the other, may make application to the court of Common Pleas of the proper county, wherein the lands may lie, to appoint six disinterested men of said county to view the said lands and tenements, and estimate the damages, if any, that has been sustained by the owner or owners of the said ground by reason of the construction of said railroad through the same, which said jury of valuers, being duly sworn or affirmed as aforesaid, and having viewed the premises, shall proceed to ascertain the quantity and quality of lands occupied by said railroad, and having taken into consideration the advantages that have or will be derived to the owner or owners of said land from the said road, shall estimate the compensation for said land, and report the same to said court, which report being confirmed by said court, judgment shall be entered thereon, and execution may issue, in case of non-payment of the sum awarded, and the expenses incurred by the jury, shall be paid by said railroad company : *Provided*, That either party may appeal to the court within thirty days after such report may have been filed in the prothonotary's office of the proper county, in the same manner as appeals are allowed in other cases : *And* *provided also*, That if any person or persons owning land or any other property which shall be affected by this act, be feme covert, under age, non compos mentis or out of the state, then, and in either of the cases, the president and managers of said company, and at the costs and charges of said company, shall, within one year after the construction of said railroad through said land, represent the same to the court of Common Pleas in the county where the lands lie, as the case may be, who shall proceed thereon in the same manner and to the same effect as directed by this act in other cases.

Compensation to be made to owner of land.

Damages to be estimated by a jury.

Proviso, as to appeal.

2 Proviso, as to feme coverts, &c.

SECTION 14. The said railroad shall be so constructed by the said company as not to obstruct or impede the free use of public roads not to be obstructed,

Public cause-
ways to be
made and
maintained
by the com-
pany.

Penalty for
neglecting
public cause-
ways.

and passage of any public road or roads which may cross or enter the same, being now laid out, or hereafter to be laid out, and in all places where the said railroad may cross or in any way interfere with any public road now laid out, it shall be the duty of the said company to make, or cause to be made, a good and sufficient causeway or causeways, to enable all persons passing or traveling such public road to cross and pass over or under the said railway, which causeway or causeways shall be made and maintained by the said company; and if the said company shall refuse or neglect to make such causeway or causeways, or when made to keep the same in good repair, they shall be liable to pay a penalty of ten dollars for every day the same shall be neglected or refused to be made or repaired, after having been duly notified thereof, to be recovered by the supervisor of the township, with costs, for the use of the township, as debts of the like amount are by law recoverable, and shall moreover be liable to an action or actions, at the suit of any person who may be aggrieved thereby; and the service of process upon any officer or agent of said company, shall be as good and available in law as if served upon the president thereof.

Private
causeways.

Proviso.

Penalty for
neglecting
private
causeways.

Proviso.

SECTION 15. For the accommodation of all persons owning or possessing land through which the said railroad may or shall pass, and to prevent inconvenience to such persons in crossing or passing the same, it shall be the duty of said company, when required, to make or cause to be made, a good and sufficient causeway or causeways, wherever the same may be necessary, to enable the occupant or occupants of said lands to cross or pass over or under the same with wagons, carts and implements of husbandry, as occasion may require: *Provided*, That the said company shall in no case be required to make, or cause to be made, more than one such causeway through each plantation or lot of ground, for the accommodation of any one person owning or possessing land through which the said railroad may or shall pass; and the said causeway or causeways when so made, shall be maintained and kept in repair by the said company; and if the said company shall refuse or neglect to make such causeway or causeways, or when made to keep the same in good repair, when duly notified thereof, the said company shall be liable to pay to any person aggrieved thereby, all damages sustained by such person in consequence of such refusal or neglect, to be sued for and recovered before any magistrate, or any court having cognizance thereof, and the service of process upon any officer or agent of said company, shall be as good and available in law as if served upon the president thereof: *Provided*, That the owner or owners of land through which said railroad passes, shall not be prevented from constructing crossing places over or under

such railroad, but the same to be such as are usually made by the company.

SECTION 16. No suit or action shall be brought or prosecuted by any person or persons, for penalties incurred under this act, unless said suit or action shall be commenced within six months next after the offence shall have been committed, or the cause of action shall have accrued, and the defendant or defendants in such suit or action may plead the general issue, and give this act and the special matter in evidence, that the same was done in pursuance and by authority of this act. Suits to be brought within six months.

SECTION 17. The said company shall not prevent any person or persons being the owner or owners of land bordering on said railroad, or adjacent thereto, from making such lateral railroads, and to connect them with the said railroad, from their said lands, as the said person or persons may conceive necessary. Lateral railroads.

SECTION 18. On the completion of said road, or any five miles thereof, the same shall be esteemed a public highway, for the conveyance of passengers, and transportation of merchandise and commodities, under such regulations as the directors may prescribe; and the said company may charge and receive such sum or sums of money for toll as they shall think reasonable, not exceeding on any species of property four cents per ton per mile, nor on passengers, more than three cents each per mile. The said rail-road to be a public highway. Tolls.

SECTION 19. If any owner or driver of any car, carriage, or conveyance whatsoever, upon the said railroad, shall pass by any place appointed for receiving tolls without making payment, with intent to defraud the said company, he, she or they so offending, shall forfeit and pay for the use of the said company, the sum of twenty dollars, to be sued for and recovered by an action of debt, before any justice of the peace, in like manner and subject to the same rules and regulations, as debts under one hundred dollars may be sued for and recovered, together with costs of suit. Penalty for defrauding the company

SECTION 20. If any person or persons shall wilfully and knowingly break, injure or destroy the railroad, or any part thereof, or any work, edifice or device, or any part thereof, to be erected by the said company in pursuance of this act, he, she or they, shall forfeit and pay to the said company three times the actual damages so sustained, to be sued for and recovered, with cost of suit, in any court having cognizance thereof, by action of debt, in the name and for the use of said company, and shall also be subject to indictment in the court of Quarter Sessions of the county in which the offence was committed; and upon conviction of such offence, shall be punished by fine and imprisonment, at the discretion of the court. Penalty for injuring the railroad.

Company must commence work in 3 years, complete in five, and keep road in repair, or forfeit charter.

SECTION 21. If the president, managers and company shall not proceed to carry on said work within five years from the passage of this act, and shall not complete four miles of the same as aforesaid, in seven years thereafter, according to the true intent and meaning of this act, or if after the completion of the said railroad as aforesaid, the said corporation shall suffer the same to go to decay, and be impassable for the term of three years, then this charter shall become null and void, except so far as compels said company to make reparation for damages.

Capital stock may be increased.

SECTION 22. If any increase of the capital stock be deemed necessary by the stockholders to complete the said railroad, it may be lawful for the said president, managers and company, at a stated or special meeting convened for the purpose, to increase the number of shares, so that they shall not exceed in the whole eight thousand, and to receive and demand the moneys for shares so subscribed, in like manner and under like penalties as is hereinbefore provided for the original subscription, or as shall be provided for by their by-laws.

Legislature reserves the power to resume the rights and privileges granted, and to purchase the interest and right of the company

SECTION 23. If the said company shall at any time misuse or abuse any of the privileges hereby granted, the legislature may resume all and singular, the rights and privileges hereby granted; and the legislature also reserves the right for the purchase by the state of the right, title and interest of the said company in the said railroad, with the appurtenances, at any time after thirty years from the passage of this act, by paying to said company a sum of money, which, together with the dividends declared, shall equal the cost and expenses of said railroad, with an interest of eight per centum per annum thereon.

NER MIDDLESWARTH,

Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,

Speaker of the Senate.

APPROVED—The thirtieth day of March, A. D., one thousand eight hundred and thirty-six.

JOS: RITNER.

NO. 78.

An Act

Relating to the election of township officers in the county of Crawford, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the provisions of an act entitled *The provisions of the act of 15th April, 1834, and its supplement of 28th February, 1835, extended to Crawford co.* "An act relating to county rates and levies, and township rates and levies," passed the fifteenth day of April, Anno Domini, one thousand eight hundred and thirty-four, together with the provisions of the supplement thereto, entitled "A supplement to the act relating to county rates and levies, and township rates and levies, and to the act relating to counties and townships, and county and township officers," passed the twenty-eighth day of February, one thousand eight hundred and thirty-five, be and the same are hereby extended to the county of Crawford, with the same force and effect as if originally extended to said county: *Provided,* That the next election provided for in said laws, for officers, be held on the fourth Friday in April, one thousand eight hundred and thirty-six, and thenceforth annually at the time prescribed by the same: *And provided also,* That the act entitled "An act regulating the roads and highways in the counties of Crawford, Venango and Warren," passed the fourth day of April, one thousand eight hundred and thirty-one, also the fourth section of an act entitled "An act authorizing the inhabitants of Windsor township, York county, and Skipack and Perkiomen townships, Montgomery county, to elect supervisors, and for other purposes," passed the eleventh day of March, eighteen hundred and thirty-three, be and they are hereby repealed, so far as they severally relate to the county of Crawford.

SECTION 2. That the provisions contained in the third section of an act entitled "An act regulating the roads and highways in the counties of Crawford, Venango and Warren," be and the same are hereby extended to the county of Mercer. *Relative to Mercer co.*

SECTION 3. The provisions of the eighth and ninth sections of the act entitled "A supplement to the act relating to county rates and levies, and township rates and levies, and to the act relating to counties and townships, and county and township officers," passed the twenty-eighth day of February, one thousand eight hundred and thirty-five, be and

Repeal as to Mercer. the same is hereby repealed, so far as relates to the county of Mercer.

SECTION 4. That the commissioners of the county of Philadelphia be, and they are hereby authorized and empowered to draw their warrant on the county treasurer, in favour of David Paul, late a commissioner of said county, for the amount of his daily pay, from the nineteenth day of October, eighteen hundred and thirty-five, to the thirty-first day of December of the same year.

SECTION 5. That so much of an act entitled "An act to authorize the Governor to incorporate a company to erect a bridge over Stony creek, at Johnstown, in Cambria county," passed the tenth day of April, one thousand eight hundred and thirty-five, as relates to the said county buying out the company, by reimbursing to the stockholders such money, together with the interest, as they may have expended in the erection and completion of said bridge, is hereby repealed; and the time for the erection and completion of the same is hereby extended one year; and the said company may erect the said bridge at such point or place across the Stony creek as they may deem most expedient.

SECTION 6. That the councils of the city of Philadelphia be and are hereby authorized, on or before the first day of October next, to extend the corporate limits of said city, so as to include the townships of Moyamensing and Passyunk, so soon as the commissioners of Moyamensing and supervisors of Passyunk shall agree thereto: *Provided however*, That such extension shall not take place before three months from and after the passage of this act: *And provided further*, That if the above districts, or either of them, shall consent to such extension, then the councils may enact such ordinances for the good government of said township, as they in their wisdom may determine, and that the citizens of said townships shall have all the rights and privileges which citizens of the city of Philadelphia now have, and said township or townships shall be in all respects the same as though they had been included in the original plan and corporation of the city of Philadelphia.

NER MIDDLESWARTH,

Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,

Speaker of the Senate.

APPROVED—The thirtieth day of March, Anno Domini, one thousand eight hundred and thirty-six.

JOS. RITNER.

No. 79.

An Act

Supplementary to the several acts relating to "The Insurance company of the state of Pennsylvania."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That it shall at all times hereafter be lawful for "The Insurance company of the state of Pennsylvania" to invest, or keep invested, their capital stock, Investments and other funds in the public stocks or loans of the United of capital States, or of this or any other state, in their own stock, or stock. in the stock of any bank or other incorporated company or institution of this or any other state, in ground rents or mortgages, and the said investments from time to time to alter, change and renew, as the circumstances of the company may render convenient.

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The thirtieth day of March, A. D., eighteen hundred and thirty-six.

JOS: RITNER.

No. 80.

A Supplement

To an act entitled "An act to incorporate the Delaware county Insurance company," passed the tenth day of April, Anno Domini eighteen hundred and thirty-five.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the*

authority of the same, That the ninth section of the act to which this is a supplement, shall not be construed to limit the insurance made by said company; to property in or belonging to citizens of Delaware county.

Act directing
notice repeal-
ed.

Proviso.

2d Proviso.

SECTION 2. So much of the said act as directs notice of the time and place of holding elections for directors to be published in the city of Philadelphia, and so much thereof as requires all the directors to be residents of Delaware county, is hereby repealed: *Provided*, That at least seven of the directors shall be residents of the said county of Delaware: *And provided further*, That all forfeitures of stock for neglect or refusal to pay instalments thereon, agreeable to the provisions of said act, shall be for the use of the said company.

NER MIDDLESWARTH,

Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,

Speaker of the Senate.

APPROVED—The thirty-first day of March, Anno Domini, one thousand eight hundred and thirty-six.

JOS: RITNER



No. 81.

An Act

Entitled A supplement to "An act to authorize the sale and conveyance of certain real estate, and for other purposes."

Preamble,
relative to
the estate of
Mary and
Phoebe Chad-
derton.

WHEREAS, by the sixteenth section of an act entitled "An act to authorize the sale and conveyance of certain real estate, and for other purposes," passed by the general assembly of the commonwealth of Pennsylvania, and approved the fourteenth day of April, one thousand eight hundred and thirty-five, Thomas C. James, attorney in fact for William Chadderton of the state of Missouri, was thereby authorized and empowered to sell and convey all the right, title and interest of Mary Chadderton and Phoebe Chadderton, minor children of said William Chadderton, of, in, and to a certain estate, consisting of certain undivided tracts of

land, situate in Northampton and Schuylkill counties, in the state of Pennsylvania, to which the said Mary and Phoebe Chadderton are entitled, in right of their mother, Louisa Chadderton, now deceased, and to convey all the right, title and interest of said minors, in fee simple, to the purchaser and purchasers thereof; *And whereas*, the said Thomas C. James departed this life before the execution of the power and authority, or any part thereof, in him vested by the hereinbefore recited act of the general assembly of Pennsylvania; Therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That Anthony Morris, the grand-^{A. Morris} father of the said Mary Chadderton and Phoebe Chadderton, ^{authorized in} be and he is hereby duly authorized and empowered to do, ^{the room of} execute and perform, all and singular; the powers vested in ^{T. C. James,} the said Thomas C. James, deceased, by the hereinbefore ^{deceased.} recited act of the general assembly of Pennsylvania.

SECTION 2. That the fifth section of an act of assembly, ^{Repeal of the} passed the eleventh of March, eighteen hundred and thirty-^{5th section of} three, entitled "An act authorizing the inhabitants of ^{act of 1833.} Windsor township, York county, and Skippack and Perkiomen townships in Montgomery county, to elect additional supervisors, and for other purposes;" is hereby repealed.

SECTION 3. The act entitled "An act to incorporate the ^{Amendment} Summit Coal company," be so amended as that said com-^{to act incor-}pany may hold their lands in five separate and distinct ^{porating} bodies. ^{Summit coal} company.

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The thirty-first day of March, Anno Domini,
one thousand eight hundred and thirty-six.

JOS: RITNER.

No. 82.

An Act

To repeal the ninth section of an act entitled "An act authorizing the laying out of a State Road from Shippenville in Venango county, to Ridgeway in Jefferson county," passed the fifteenth day of April, eighteen hundred and thirty-five.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the ninth section of an act entitled "An act authorizing the laying out of a State Road from Shippenville in Venango county, to Ridgeway in Jefferson county," passed on the fifteenth day of April, eighteen hundred and thirty-five, be and the same is hereby repealed.

NER MIDDLESWARTH,

Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,

Speaker of the Senate.

APPROVED—The thirty-first day of March, Anno Domini, eighteen hundred and thirty-six.

JOS : RITNER



No. 83.

A Further Supplement

To the act entitled "An act to establish a general system of Education by Common Schools," passed the fifteenth day of April, one thousand eight hundred and thirty-four.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the citizens of the borough of Indiana, in the county of Indiana, be and they are hereby authorized to meet at the usual place of holding borough elections, and elect six school directors, at the time and in

Relative to
the borough
of Indiana in
Indiana co.

the manner provided for the election of school directors by the act to which this is a supplement.

SECTION 2. All money now in the treasury of the county School mon- of Indiana, assessed on citizens of the borough aforesaid, or ey assessed; yet to be collected for school purposes, so assessed as afore-how applied, said, shall be paid to the use and for the support of schools in said borough, that now or may be hereafter organized under the provisions of the act aforesaid.

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The thirty-first day of March, Anno Domini,
one thousand eight hundred and thirty-six.

JOS. RITNER,



No. 84.

A Supplement

To an act entitled "An act authorizing the Governor to incorporate a company to extend the West Chester railroad into and along the streets of the borough," and An act to incorporate the Phoenixville and Chester Springs railroad company, and supplementary to the "Act authorizing the incorporation of the Susquehanna Railroad company," passed the ninth of April, eighteen hundred and thirty-three, and the Williamsport and Elmira railroad, and An act authorizing the Governor to incorporate a company to make a railroad along the streets of the borough of Newville, and An act authorizing the Governor to incorporate the Beaver and Conneaut Railroad company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That whenever a majority of the borough council shall assent thereto, and when one hundred shares shall have been subscribed, and five dollars on each share paid, the commissioners, or a majority of them, may certify the same to the Governor of the commonwealth, who shall thereupon issue letters patent, in the manner and

When letters patent shall issue.

under the regulations prescribed by the third section of the act to which this is a supplement, and that portion of the said third section hereby supplied, is hereby repealed.

SECTION 2. That the said company are hereby authorized to construct a railroad from the place where the West Chester railroad now terminates, or may hereafter terminate, or from any other point or place on said West Chester railroad; and the time limited in the twenty-third section of the act to which this is a supplement, for the commencement and completion of said railroad, is hereby extended four years from and after the periods therein respectively designated, and the proviso in the tenth section of the same act, is hereby repealed: *Provided*, That the company shall not alter the grade of any of the streets on which they shall lay rails.

The time for
commence-
ment & com-
pletion of
said railroad
extended
four years.
Proviso.

SECTION 3. *Be it enacted by the authority aforesaid*, That Emmer Kimber, Joseph Whitaker, Edward Garrigues, William Rodgers, C. B. Jaudon, John Morgan, James Whitaker, Samuel Shearer, Henry Olwine, A. Marshall, Isaac Tustin, John Latshaw, William W. Downing, M. Pennypacker, Esquire, of Chester county, Henry Coates, J. B. Steregere, and John Freedly, of Montgomery county, Joseph Wood, Elihu Chauncey, Robert V. Massey, and John Tustin of Philadelphia, or any two of them, be and they are hereby appointed commissioners, to do and perform the several things, with the rights and privileges mentioned in the act passed the thirteenth day of January, eighteen hundred and thirty-six, entitled "An act to incorporate the Reading and Brandywine railroad company," except so far as the rights, privileges and immunities of the said company are supplied by the provisions of this and the following section of this act.

Commission-
ers appointed

Powers and
privileges.

Power to fix
route and to
construct a
railroad from
Phoenixville
to Chester
Springs.
Proviso, as to
the capital
stock, \$150,-
000.
Shares \$50
each.

Letters pat-
ent.

SECTION 4. *Be it enacted by the authority aforesaid*, That the company incorporated by the third and fourth sections of this act, shall have power to survey, lay down, ascertain, mark and fix such route as they shall deem expedient; and also to construct a railroad, with one or two tracks, from Phoenixville, in Schuylkill township, Chester county, to Chester Springs, Pikeland township, Chester county: *Provided*, The capital stock of said company shall be one hundred and fifty thousand dollars, divided into shares of fifty dollars each: *And provided further*, That as soon as the commissioners, or a majority of them, shall certify to the Governor that five hundred shares of said stock have been subscribed, and five dollars paid on each share, the Governor shall, by letters patent, create the said subscribers, and such as may become subscribers, a company, for the purposes heretofore designated, in the name and style of the Phoenixville and Chester Springs railroad company; that the president and managers of the aforesaid companies

shall annually, on the first Monday in December, transmit Annual state-
to the Auditor General a full statement of their affairs, ment of af-
under oath, and shall pay annually into the treasury of the fairs to the
commonwealth, a tax of eight per centum on all dividends Auditor Gen-
which may exceed six per cent. on the capital stock actually Tax on divi-
paid in. dends.

SECTION 5. The Williamsport and Elmira railroad com- Williamsport
pany shall be authorized to carry the United States mail on and Elmira
said road, on such terms as they may agree on, and also to railroad co.
charge and receive toll on passengers, not exceeding two authorized to
cents per mile for each, and on each ton of produce or min- carry the U.
erals, not exceeding two cents per mile, and on the articles S. Mail, on
enumerated in the forty-first section of the act to which this terms.
is a supplement, to charge the several sums therein stated,
together with such additional charge for freight or transpor-
tation, as the company may deem just and reasonable.

SECTION 6. The privileges granted by the seventh section Certain priv-
of the act entitled "A supplement to the several acts incor- ileges grant-
porating the Northern Liberties and Penn township railroad ed to two
company, the Mine Hill company," passed April third, A. other com-
D., eighteen hundred and thirty-two; be and are hereby panies, ex-
extended to the president and managers of the Williamsport tended to the
and Elmira railroad company. Williamsport
& Elmira co.

SECTION 7. That from and after the first Monday in May,
eighteen hundred and thirty-six, the directors of said com-
pany shall consist of thirteen of the stockholders, who shall 13 directors
be elected in the manner prescribed by the act to which this to be elected.
is a supplement, after ten days notice of the time and place
of said election, in two newspapers published in the city of
Philadelphia; and one in Lycoming county; and that the
said directors, or a majority of them, shall be, and they are
hereby authorized to elect their own president, and other President &
officers of the said company, and to do all such acts as the other officers.
president and directors of said company are now authorized
to do by said act, and any five of said directors shall consti- Quorum.
tute a quorum for the transaction of business.

SECTION 8. That so much of the said act of assembly to Repealing
which this is a supplement as is hereby altered or supplied, clause.
is hereby repealed.

SECTION 9. From and after the passing of this act, nothing Relative to
contained in the second section of the act entitled "An act the Susque-
authorizing the Governor to incorporate the Susquehanna hanna rail-
road company, passed the ninth of April, eighteen hund- road comp'y.
red and thirty-three, shall be construed or understood to
prevent the company from placing on said railroad, cars or
vehicles for the transportation of produce, merchandise and
persons, under the same rules, regulations and restrictions
they prescribe to others: *Provided also*, That the third Proviso as to
section of the act to which this is a supplement, is so far directors.
altered and supplied as to permit a moiety of the board of

directors to be residents and citizens of other states, providing the stockholders shall deem it to be their interest.

Tolls.

SECTION 10. In addition to the tolls provided for in the tenth section of the act to which this is a supplement, the president, directors and company shall have the right and privilege of charging on all passengers, excepting only such as are necessarily engaged in conducting the cars, three cents each per mile, and upon all cars carrying less than half a ton, or empty cars, one cent per mile, but no person or persons shall ride or lead, drive or pass along said railroad any horse or horses, cattle, or animals of what kind soever, nor place any car or other vehicle thereon, without a permit or license first had and obtained from said company, subject to such rules and regulations as shall be from time to time prescribed by the said company, to govern the use of the said railroad.

Mode of ascertaining the tonnage of any vehicle running the road.

Tonnage to be marked on the vehicles.

SECTION 11. In order to ascertain the tonnage of any car or other vehicle running the said road, and to prevent disputes between the supercargoes and collectors of tolls concerning the same, upon the request of the owner or supercargo of such car or vehicle, or of the collector of said tolls, at any point fixed for the purpose on said railroad, it shall and may be lawful for each of them to choose one skilful person to measure and ascertain the actual loading of the same, and to mark the said tonnage so ascertained, with figures, upon the said car or vehicle, in colors mixed with oil, and that the said car or vehicle so measured and marked, shall be permitted to pass along said railroad for the price per ton to which the ascertained loading shall amount, agreeably to the rates fixed; and if the owner or supercargo of any car or vehicle shall decline choosing a disinterested person, resident within five miles of the place where said toll is payable, to ascertain the tonnage and loading thereof, then the amount of such tonnage and loading shall be fixed and ascertained by the person appointed for that purpose by the president and directors, or chosen by said collector of tolls for said company, and the toll shall be paid according to such measurement, and ascertained before any such car or vehicle shall be permitted to pass the place where such toll is made payable, by the said president and directors: *Provided*, That every car or vehicle carrying a fraction more than half a ton, shall be deemed and taken as carrying a ton.

Proviso.

Annual meetings of the stockholders.

SECTION 12. The annual meeting of the stockholders shall be held on the first Monday of December, at such places as shall be fixed upon by the by-laws, of which meeting due notice shall be given; at which meeting they shall have full power and authority to make, alter or repeal, by a majority of votes, in manner following, all by-laws, rules, regulations and orders, and to do and perform every other corporate act,

not inconsistent with the constitution and laws of the United States or of this state; and the number of votes to which each stockholder shall be entitled, shall be according to the following scale, viz: Every share not exceeding twenty shares, one vote; for every other five shares, one vote; to be given in person or by proxy, constituted in writing: *Pro-Provido.* That special meetings of the stockholders may be held, at such times and places, and under such rules and regulations, as a majority of the stockholders shall direct, and at every annual or special meeting of the stockholders, for the purpose of enacting, altering or amending any by-laws, rules or regulations, the right of voting shall be as aforesaid. Ratio of votes

SECTION 13. The stockholders, at their annual meeting on the first Monday of December, shall, by a majority of votes present, choose their officers for the ensuing year, as mentioned in the third section of the act to which this is a supplement, who shall continue in office one year, and until others are chosen, and the number of votes to which each stockholder shall be entitled in the election of directors and officers, shall be according to the number of shares he or she shall hold, in the proportion following, that is to say: for each share not exceeding ten shares, one vote; for every two shares above ten and not exceeding twenty, one vote; for every five shares above twenty and not exceeding fifty, one vote; for every ten shares above fifty and not exceeding one hundred, one vote; but no shares or number of shares above one hundred, shall confer any additional right of voting, and no share shall confer the right of suffrage, unless it be holden by the person in whose name it appears, absolutely and bona fide in his own right, or that of his wife, for his or her sole use and benefit, or as executor or administrator, trustee or guardian, or in the right and for the use and benefit of some corporation, copartnership or society, of which he or she may be a member, and which shall not be bona fide held as aforesaid; and all votes by proxy shall be on such terms and conditions as are prescribed by the act passed on the twenty-eighth day of March, one thousand eight hundred and twenty, entitled "An act to regulate proxies." Annual meeting of the stockholders.
Ratio of votes.
Proxies.

SECTION 14. If after thirty days notice in the public papers, of the time and place appointed for the payment of any proportion or instalment of the said capital stock, in order to carry on the work, any stockholder shall neglect to pay such proportion or instalment, for the space of thirty days after the time so appointed, every such stockholder shall, in addition to the instalment so called for, pay at the rate of two per centum per month for the delay of such payment; and if the same and additional penalty shall remain unpaid for three months after the expiration of the said thirty days, the same may be forfeited to the company, Penalty for neglect to pay instalments.
Forfeiture.

Proviso.

and sold to any person willing to purchase the same, or the president and directors may, at their election, cause suit to be brought before an alderman or justice of the peace, or in any court having competent jurisdiction, for the recovery of the same, together with the penalty aforesaid: *Provided*, That no stockholder, whether original subscriber or assignee, shall be entitled to vote at any general or special meeting of the said company, on whose share or shares any instalment or arrearages may be due and payable more than thirty days previous to the said election or meeting.

Bond, with security to be given by officers, etc.

SECTION 15. The president and directors of said company shall and may require and demand of and from the treasurer and all and every other the officers and other persons by them employed, bond in sufficient penalty, and with such securities, as they shall by their rules, orders and regulations require, for the faithful discharge of the several duties and trusts to them or any of them respectively committed:

Proviso.

Provided, That no one officer of said corporation shall at any time be accepted as security for another: *And provide!*

2d Proviso as to dispensing with semi-annual dividends.

also, That the said company may dispense with making semi-annual dividends, if a majority of the stockholders shall deem it to be the interest of the company so to do: anything in the fourteenth section of the act to which this is a supplement, to the contrary notwithstanding.

Certificates of stock.

SECTION 16. The president and directors shall procure certificates or evidences of stock, for the shares of the said company, and shall deliver one such certificate, signed by the president and attested by the treasurer, and sealed with the common seal of the corporation, to each person for the shares by him subscribed or held, which shares of stock or any one or more of them, shall be transferrable at his pleasure, in person or by attorney duly authorized, in the presence of the president or treasurer, each of whom shall keep a book for the purpose, subject however to all payments due or to become due; and the assignee holding any share, having caused the assignment to be entered in a book of the company, to be kept for the transfer of stock, shall be a member of the said corporation; and for every share assigned to him as aforesaid, shall be entitled to all the estates and emoluments of the company incident to one share, and to vote as aforesaid at the meetings thereof, and subject to all penalties and forfeitures, and of being sued for all the balances and penalties due or to become due on each share, as the original subscriber would have been.

Transferrable.

Legislature reserves the right to annul charter, etc.

SECTION 17. If the said company shall misuse or abuse the privileges hereby granted, the legislature reserves the right to revoke or annul the charter at any time they may think proper; the legislature also reserves the right to purchase the right of said company, and the railroad, with its

appurtenances, at any time after thirty years from its completion, at a reasonable price and valuation.

SECTION 18. Sections thirteen, fifteen, seventeen and Repeal of twenty-one, of the act to which this is a supplement, and all parts of or other part or parts of the said act that are hereby altered or original act supplied, be and the same are hereby repealed.

SECTION 19. John Johnson, John Moore, William Barr, Newville William H. Woodburn, John P. Geddes, Jacob Kinsley, branch rail- James Kennedy, Jacob Swoyer, James Davidson, and road; com- George W. Woodburn, are hereby appointed commissioners ^{missioners} appointed. to perform the several matters herein provided for, to wit: they or any three of them, shall procure suitable books, in To procure which shall be entered as follows: "We and each of us books. whose names are hereunto subscribed, do promise to pay to Form of sub- the directors of the Newville Branch railroad company, the scription. sum of ten dollars for every share of stock set opposite to our names, and by us respectively subscribed, in such manner and proportions, and at such times and places as shall be fixed on by the directors of the aforesaid railroad company," and shall thereupon give due and public notice of the Notice. time and places where the commissioners, or a majority of them, will attend to receive subscriptions, who may adjourn 600 shares to from day to day, until they shall have six hundred shares be subscribed subscribed, no subscription to be valid unless the sum of two \$2 to be paid dollars be paid at the time of subscribing, for the use of the at the time of company, and the commissioners shall close the books as subscribing. soon as the required number shall have been subscribed.

SECTION 20. When one hundred shares shall have been When letters subscribed, and the sum of two dollars on each share be paid, patent shall the commissioners, or a majority of them, may certify the same issue. to the Governor of the commonwealth, who shall thereupon issue letters patent, in the usual form, creating the subscribers, and those who may afterwards subscribe, into a corporate company, by the title of the "Newville Branch railroad Title. company," by which title the said subscribers shall have perpetual succession, and all the privileges and rights of a Powers and corporation, may purchase and hold, to them and their privileges. successors and assigns, lands and other species of property necessary for said road, and the same from time to time may pledge, mortgage, or dispose of, and may make dividends of the profits, as they may deem proper; the said company may have a common seal, and generally, do all things for Seal. the well being of the said corporation, and the due management of the affairs and business of the same: *Provided*, That noth- ^{Proviso pro-} ing herein contained shall be construed to give any banking hibiting: privileges to the said corporation, or any rights, but such as banking priv- may be necessary to carry the objects and provisions of this illeges. act into full effect.

Organization
of the com-
pany.

Ratio of
votes.

Proxies.

Notice of the
time and
place of hold-
ing election.

Vacancies to
be filled by
directors.

Quorum.

Powers of
the board.

SECTION 21. Five directors shall be annually elected by the stockholders, by ballot, to manage the concerns of the said corporation, the votes to be given in person or by proxy, the directors to choose one of their number president; they shall serve one year or until others are elected, agreeably to this act, and shall have power to make all by-laws, orders and regulations, not inconsistent with the constitution and laws of the United States and Pennsylvania; none but stockholders shall be eligible as directors, and each stockholder shall be entitled to vote according to the number of shares he or she shall hold, in the proportions following: for every share not exceeding two shares, one vote; for every two shares above two and not exceeding ten shares, one vote; and for every five shares above ten, one vote; no stockholder to be entitled to a vote, unless the stock be held by him absolutely in his own right, or that of his wife, or as executor, administrator, trustee or guardian, or for the use of some co-partnership, corporation, or society, of which the voter is a member, and unless all arrearages be paid, which have been unpaid for twenty days; all proxies shall be dated and given within thirty days of an election, and on the terms prescribed by the act to regulate proxies, of the twenty-eight March, one thousand eight hundred and twenty; no share held by transfer shall be entitled to vote, unless the same shall have been transferred at least three months before the election.

SECTION 22. The commissioners, or a majority of them, shall, as soon as convenient after letters patent have been obtained, give ten days public notice to the stockholders, of the time and place fixed by them, within the borough, to meet, and elect five directors, as provided for in this act; and annually thereafter, the stockholders shall meet on the first Monday in October in each year, to elect directors as aforesaid, upon notice being given by the president, or other officer of said company, in the manner before mentioned; if however, from any cause, the election shall not be held on the day specified, it may be held on any subsequent day within the year, on like notice, and in the mean time, the directors of the preceding year shall continue to act, nor shall the charter be avoided by such neglect; all vacancies to be filled until the next election, by the remaining directors.

SECTION 23. The said directors shall meet when and as often as may be necessary; a majority shall constitute a quorum to transact business, and in the absence of the president, may choose a president pro. tem.; they are authorized to appoint such officers and engineers as may be found necessary, to fix their compensation, and take security for the faithful performance of their duties and trusts; they shall have power to fix the time, manner and proportions in which the stockholders shall pay their instalments, and to forfeit for the use of the company, the share or shares of any

person neglecting to comply with their requisitions; to regulate the tolls, and make such contracts and agreements with others, as the execution and management of the works, and the convenience and interest of the company may appear to require, and in general, to superintend and direct the receipts, disbursements, and all other affairs and proceedings of the company, necessary to the full execution of the designs of this act.

SECTION 24. The directors shall issue certificates of stock **Certificates** to the subscribers or shareholders in said company, from of stock. time to time, as may be found useful and proper, signed by the president, subject, however, to all payments due or to grow due thereon, which stock may be transferred in person **Transfer-** or by attorney, or by executors, administrators, trustees, **able.** guardians or other authorized persons, under regulation of **Annual** the by-laws; the directors shall make out and exhibit at **statement of** their annual meeting a full statement of the condition of the **the condition** company, and at the request of the stockholders holding one- **of the com-** fourth of the stock, special meetings of the stockholders **pany.** shall be called, by public notice, stating the objects of the **Special** meeting, but no business shall be transacted unless the **meetings.** shares of stock be represented.

SECTION 25. The said company are hereby authorized, as **Location of** soon as convenient after obtaining a charter, to locate and **the railroad** construct a single track of railroad, with turnouts, if necessary, from that of the Cumberland Valley railroad, west of and near to where said road crosses Big Spring, by such route or routes, and into and along such street or streets, as may be most advisable and beneficial to said company, and to construct such ware and toll houses, cars and carriages, and other vehicles, and all such other works and appendages, as may be necessary for the full enjoyment and occupancy of the said railroad, and the said company are **To connect** hereby empowered to connect the Newville Branch railroad, **with the** so as to form a continuous track with the Cumberland **Cumberland** Valley railroad, into and along the streets of the borough. **Valley rail-** **road.**

SECTION 26. The said company be authorized to grade **Authority to** any street or streets of the said borough, if the same shall **grade the** be found necessary for locating and laying down said rail- **streets.** road, in such manner as not unnecessarily to injure the said streets, or the traveling thereon, and may excavate and level any street to lay the track of said road on, and have all the power required to accomplish the construction and completion of said railroad, according to the intention of this act: **Provided,** That when fully completed, the said road shall **Provided.** not unnecessarily obstruct the general traveling and passage along the streets of said borough.

SECTION 27. The right of entry to survey and locate said road, and the arrangement for the assessments of damages, the appointment and duties of viewers, the right of appeal to

For certain matters refer to the acts relating to the Cumberland Valley railroad company. the court of Common Pleas, and the liability of appellants. the declaring the road a highway, the fixing the tolls and penalties for evading them, the declaration of dividends, the penalties for injuring or obstructing the road, suits for penalties and recovery of damages, be and hereby are authorized to be regulated and governed by the part or parts of the act or acts authorizing the chartering of the Cumberland Valley railroad company, regulating and governing the same, or similar matter or things, for said company, and the said Newville Branch railroad company, are hereby authorized to refer to, and act under, or use the said part or parts of said act.

Charter to be null unless the work be commenced within 3 yrs. and completed within 6 years, &c. SECTION 28. If said company shall not commence the said railroad within three years, and carry into effect the objects of the charter within six years from the passage of this act, or if after the completion of the said road, the same shall be suffered to go to decay, and to be impassable for the period of two years, then the charter shall be null and void, except so far as not to exonerate the company from the payment of any damages that may have accrued to individuals:

Proviso.

Provided, That the said company may construct railroads along other streets of said borough, after the expiration of six years, when in the opinion of two thirds of the taxable inhabitants of the borough, the public interest may seem to require it.

Legislature may resume all the rights conferred.

SECTION 29. If at any time any of the privileges hereby granted shall be wilfully and unlawfully abused, the legislature may resume all rights and privileges conferred by this act.

Cumberland Valley railroad company authorized to construct lateral railroads

SECTION 30. The Cumberland Valley railroad company shall have power to construct lateral railroads, from their railroad to mills, iron works, and such public places in the vicinity of such road, as may be considered important, and make such arrangements with the owners of such mills or iron works, as to the cost and tolls upon such lateral roads, as may be just, and not inconsistent with the charter of the said railroad company.

Commissioners appointed To procure subscriptions of stock. SECTION 31. That Thomas Henry, Benjamin Adams, Robert Darragh, John English, A. W. Townsend, M. T. C. Gould, Thomas Thornley, James Patterson and John Winter of Beaver county, Benjamin Darlington, William Hays, William Robeson, junior, Neville B. Craig, James Ross, junior, of Allegheny county, Charles T. Whippo, Joseph T. Boyd, James D. White, and John B. Pearson of Mercer county, C. B. Penrose of Cumberland county, Charles S. Baker, John Moss, J. R. Burden, and Edward R. Biddle of Philadelphia city, or a majority of them, be and they are hereby authorized to procure subscriptions of stock to the Beaver and Conneaut railroad company; and when three thousand shares or more of the said stock shall be subscribed, and

five dollars on each share paid to said commissioners, the said commissioners, or a majority of them, shall certify the same, under oath or affirmation, to the Governor, whereupon the Governor shall, by letters patent, under his hand and the seal of the commonwealth, create and erect the subscribers, and if the subscription be not full at the time, then those also who shall thereafter subscribe to the number of ten thousand shares, of fifty dollars each, making the whole capital stock of five hundred thousand dollars, into a body politic and corporate, in deed and in law, by the name, style and title of "The Beaver and Conneaut railroad company."

Letters patent.
Capital stock, 10,000 shares at \$50 each.
Name, style & title.

SECTION 32. The president, managers and company of the said railroad company, shall have power to survey, lay down, ascertain, mark and fix such route as they shall deem expedient, for a double or single railroad, beginning at or near the mouth of Big Beaver creek, in Beaver county, to a point on the Ohio state line, to connect with the Conneaut and Beaver railroad, incorporated by the legislature of Ohio, the point of connection to be determined by a majority of the commissioners of the two companies, having due regard to the situation or nature of the ground, and of the buildings thereon, the public convenience, and the interest of the stockholders, and so to do the least damage to private property; and the said road shall not pass through any burying ground, nor place of public worship: *Provided*, That the location of the said railroad be approve of by the board of Canal Commissioners of Pennsylvania, before the said company commence the construction of the same.

Power of the president & managers to fix the route.
To connect with the Conneaut & Beaver railroad comp'y, Ohio.
Proviso.

SECTION 33. The said company shall be, and is hereby authorized and empowered to lay a single or double tract of rails on said road, and occupy said road exclusively as a railroad, and shall permit any person or persons to occupy and use the said road, in such manner, and under such restrictions as the said company shall establish and direct, and the said company shall have like powers, authority and privileges, necessary for carrying on and completing said railroad, and be subject to all duties, qualifications, restrictions, penalties, fines and forfeitures, as are given and granted to the president, and managers, and company incorporated for the purpose of making a railroad from Reading and Brandywine, passed on the thirteenth day of January, one thousand eight hundred and thirty-six.

Powers and privileges; also, duties and restrictions.

SECTION 34. When a good and sufficient railroad shall be completed, agreeably to the provisions of this act, the property of the said railroad shall be vested in the said president, directors and company, and their successors, for and during the term of thirty-five years, to commence from the time when the said railroad shall be fully and completely finished; and at the expiration of thirty-five years, or at any time there-

Common'th. may purchase the railroad at the expiration of 35 yrs. after its completion.

after, it shall be lawful for the commonwealth to purchase the said railroad from the said company, by paying to the said company the original costs expended in the construction thereof, together with six per cent. interest per annum thereon, deducting from the sum of principal and interest aforesaid, the dividends before declared by the said company on the capital stock; and on the payment thereof by the commonwealth to the said company, in such manner and form as shall be agreed upon by the said company and agents, duly authorized by the said commonwealth, all and singular, the railroad aforesaid, with its appurtenances, shall be vested in the commonwealth.

SECTION 35. That either the state of Pennsylvania, or any railroad company incorporated, or that may be incorporated by this state, shall be allowed to intersect the said Beaver and Conneaut railroad company, at any point within this state, by railroad or railroads, constructed either by the state, or company or companies incorporated as aforesaid, and occupy the said road, upon the same terms as the same is occupied by the Beaver and Conneaut railroad company.

SECTION 36. The time allowed for opening the books and commencing the work of the Adams county railroad, shall be extended to three years, and for completing the same, seven years from the passage of this act.

NER MIDDLESWARTH,
Speaker of the House of Representatives.
THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The thirty-first day of March, A. D. eighteen hundred and thirty-six.

JOS: RITNER,

No. 85.

AN ACT

To authorize the Governor to incorporate a company to make a lock navigation on the river Monongahela.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the*

authority of the same, That Thomas H. Baird, Aaron Kerr, Commission-
 Ephraim L. Blain, William Briant, Shasbazzer Bently, *ers appointed*
 Andrew Gregg, John Bowers, William Vankirk, Samuel
 Beatty, William Hopkins, and James Gorden of Washing-
 ton county, George Dawson, Benedict Kimber, George
 Hogg, James L. Bowman, Israel Miller, David Gilmore, E.
 P. Oliphant, Jeremiah Davison, Thomas Wilson, Tazwell P.
 Martin, George Cramer, Yates S. Conwell, Thomas Beatty,
 Aaron Bucher, John Harshe, Andrew Stewart, Samuel
 Evans, Isaac Crow, George Vance, James C. Etington,
 Robert Brown, James C. Ramsey, David B. Rhoads, William
 Everhart, Westley Frast, and Samuel J. Krepps of Fayette
 county, Isaac Hill, Alexander Davidson, Thomas Hughes,
 Lawrence L. Minor, Robert Maple, Daniel Boughner,
 Thomas Horner, sen., Benjamin F. Black, Joseph Baily,
 Ralph Drake, Samuel M'Quire, Aaron Gregg, Joseph Rein-
 hart, John Lindsay, William Litzanberg, Jonathan Garrard,
 and James Mapel of Green county, Joseph Taylor, Thomas
 Raynolds, James M'Clure, Gilbert Stevens, Samuel Church,
 James W. Barbridge, Fauntley Muse, Samuel Walker,
 Christopher Magee, Neville B. Craig, James Ross, jr.,
 Samuel Stackhouse, Thomas Bakewell, James Anderson,
 John Irwin, Charles S. Bradford, William A. Panniman,
 Henry Smyser, William Larimer, Valentine Fehle, George
 Bell, Robert H. Peebles, Thomas M. Giffin, are hereby
 appointed commissioners to do and perform the several
 things hereinafter mentioned, that is to say: they, or
 any five of them, shall, on or before the first Monday To procure
 of May next, procure a sufficient number of books, one books, &c.
 or more of which shall be opened at convenient places in
 the city of Pittsburg, at Elizabethtown and M'Keesport in
 Allegheny county, at Williamsport and Fredericktown in
 the county of Washington, at Cookstown, Brownsville and
 Geneva in the county of Fayette, and at Greensburg and
 Jefferson in the county of Greene, and in each of them enter
 as follows: "We whose names are hereunto subscribed, do Form of sub-
 promise to pay to the president and managers of the Monon- scription
 gahela navigation company, the sum of fifty dollars for every Price of stock
 share of stock set opposite to our names respectively, in \$50 per
 such manner, and in such proportions, and at such times, as share.
 shall be determined by the president and managers of said
 company, in pursuance of an act of the general assembly of this
 commonwealth, entitled 'An act to authorize the Governor to
 incorporate a company to make a lock navigation on the river
 Monongahela;' Witness our hands, this day of ,
 in the year of our Lord, one thousand eight hundred and
 ;" and shall thereupon give notice, in one or more Notice:
 newspapers printed in the county of Fayette, and one or
 more newspapers printed in the borough of Washington, one
 or more newspapers printed in Green county, and one or

When and
where books
to be kept
open.

Who may
subscribe.

Whole num-
ber of shares
6,000.

Proviso.

When letters
patent shall
issue.

Name, style
and title.

Privileges
& franchises.

more newspapers printed in the city of Pittsburg, for one calendar month at least, of the times and places when and where the said books shall be kept open to receive subscriptions for the stock of the said company, at which times and places, at least two of the commissioners shall attend, and permit all persons of lawful age who shall offer to subscribe in the said books, in their own name, or in the name of any other person who shall authorize the same, to subscribe for any number of shares in the said stock, and the said books shall be kept open respectively for the purpose aforesaid, at least six hours in every juridical day, for the space of ten days, at the following named places, to wit: the city of Pittsburg. Elizabethtown in the county of Allegheny, at Williamsport in the county of Washington, at Brownsville, Cookstown and Geneva in the county of Fayette, and at Greensburg and Jefferson in the county of Green, and if at the expiration of ten days, it shall be ascertained that there is not six thousand shares subscribed in the books aforesaid, the said commissioners may adjourn from time to time, and transfer the books elsewhere, until the whole number of six thousand shares aforesaid, shall have been subscribed; of which adjournment and transfer of the books, the commissioners aforesaid shall give public notice, as the occasion may require, and when the whole number of shares shall be subscribed, then the books shall be closed: *Provided always*, That every person offering to subscribe in the said books, in his own or any other name, shall previously pay to the attending commissioners the sum of five dollars for every share subscribed, out of which shall be defrayed the expenses attending the taking of such subscriptions, and other incidental expenses, and the remainder shall be paid to the treasurer of the corporation, as soon as the same shall be organized and the officers chosen, as hereinafter mentioned.

SECTION 2. That when two thousand shares or more of the said capital stock shall be subscribed, the commissioners, or a majority of them, shall certify to the Governor, under their hands and seals, the names of the subscribers, and the number of shares subscribed by each, whereupon the Governor shall, by letters patent, under his hand and the seal of the commonwealth, create and erect the subscribers, and if the subscription be not full at the time, then all those who shall thereafter subscribe to the number of shares as aforesaid, into one body politic and corporate, in deed and in law, by the name, style and title of the "The president, managers and company of the Monongahela Navigation company," and by the same name the subscribers shall have perpetual succession, and all the privileges and franchises incident to a corporation, and shall be capable of taking and holding their capital stock, and the increase and profits thereof, of enlarging the same from time to time by new subscriptions,

in such manner and form as they shall think proper, if such enlargements shall be found necessary to fulfil the intention of this act, of purchasing, taking and holding, to them, their successors and assigns, in fee simple, or for any less estate, all such lands, tenements, hereditaments and estate, real and personal, as shall be necessary to them in the prosecution of their works, of suing and being sued, and of doing all and every other matter and thing which a corporation or body politic may lawfully do.

SECTION 3. Samuel Walker, George Dawson, George Hogg, James L. Bowman, Israel Miller, Aaron Kerr, Neville B. Craig, Samuel Stackhouse, James Ross, junior, and William W. Irwin, or a majority of them, shall, as soon as conveniently may be after the said letters patent shall be obtained, give at least twenty days notice in all the public newspapers hereinbefore mentioned, of the time and place by them appointed for the subscribers so meet, in order to ^{Organization} organize the said company, who shall choose by a majority ^{of the com-} of votes, by ballot, to be given in person or proxy, duly ^{pany.} authorized, one president and ten ~~managers~~, a treasurer, secretary, and such other officers as shall be deemed necessary, which proxy shall have been obtained and bear date ^{Proxies} within three months previously to the election at which such proxy shall be presented; and the president and managers chosen as aforesaid, shall conduct the business of said company until the first Monday of January next, and until like officers shall be chosen, and may make such by-laws, rules, orders and regulations, as do not contravene the constitution and the laws of the United States or of this state, that may be necessary for the well governing the affairs of the company; and the said company may demand and take such ^{Company} securities from their officers and agents, and in such sums ^{may demand} as may be fixed by the by-laws, or by resolution of the board, ^{security from} for the faithful discharge of their respective duties, ^{their officers.}

SECTION 4. The stockholders shall meet on the first Mon- ^{Annual} day of January in every year, at such place as may be fixed ^{meetings of} upon by the by-laws, of which notice shall be given at least ^{the stock-} twenty days, by the secretary, in the newspapers before ^{holders to} mentioned, and choose by a majority of votes present, such ^{elect officers.} officers for the ensuing year as mentioned in the third section of this act, who shall continue in office for one year, and until others are chosen, and at such other times as they may be summoned by the managers, in such manner and form as shall be prescribed by the by-laws, at which annual ^{By-laws.} or special meeting, they shall have full power and authority to make, alter or repeal such by-laws, by a majority of votes, in manner aforesaid, and to do and perform any other corporate act; and every person holding ten, or any less number ^{Ratio of} of shares of said stock, shall be entitled to one vote for every ^{votes.} share so held, at any election for officers of said company,

or other meeting of stockholders, and one vote for every additional ten shares: *Provided*, That no number of shares shall entitle the holder thereof to more than ten votes: *And provided*, That the omission of the stockholders to meet and elect as aforesaid, shall work no forfeiture, but they may be afterwards called together for that purpose by the managers.

Meetings of president & managers. **Quorum.** **Power and authority of the board.** **Proviso.** SECTION 5. The said president and managers shall meet at such times and places as shall be found most convenient for the transacting of their business, and when met, five shall be a quorum, who in the absence of the president may choose a chairman, and shall keep minutes of their transactions, to be fairly entered in a book, and a quorum being formed, they shall have full power and authority to appoint all such surveyors, engineers, superintendents, and other artists and officers, as they shall deem necessary to carry on the intended work, to fix their salaries and wages, to ascertain the times, manner and proportions in which the said stockholders shall pay the moneys due on their respective shares, to draw orders on the treasurer: *Provided*, That such drafts or orders be signed by the president, or in his absence by a majority of the quorum present, and generally to do all such other acts, matters and things, as by this act, and the by-laws and regulations of the company, they shall be authorized to do.

Certificates. **Seal.** **Stock transferable, and how.** SECTION 6. The president and managers first chosen shall procure certificates or evidence of stock for all the shares of the said company respectively, and shall deliver one such certificate, signed by the president, and countersigned by the treasurer, and sealed with the common seal of the corporation, to each person, for every share by him, her, or them, subscribed and held, he, she or they, paying five dollars for each share, as aforesaid, which certificate or evidence of stock shall be transferrable at pleasure, in person or by attorney, duly authorized, in the presence of the president or treasurer, to be entered in a book to be kept for that purpose, subject however to all payments due or to become due thereon; and the assignee holding any certificate entered as aforesaid, shall be a member of the said corporation, and entitled to one share of the capital stock, and of all the estates and emoluments of the company incident to one share, and to vote as aforesaid, at the meetings thereof, and be subject to all the penalties and forfeitures, and of being sued for all the balance and penalty due or to become due on each share, as the original subscribers would have been.

Notice. SECTION 7. After thirty days notice in the public papers aforesaid, of the time and place appointed for the payment of any proportion or instalment of the said capital stock, in order to carry on the work, any stockholder having neglected or refused to pay such proportion or instalment, at the place

appointed, for the space of thirty days after the time so appointed, every such stockholder, or his assignee, shall, in addition to such instalment so called for, pay at the rate of two per centum per month for the delay of such payment, and if the same and additional penalties shall remain unpaid for such space of time as the accumulated penalty shall become equal to the sums before paid in part and on account of such shares, the same shall be forfeited to the said company, and may be sold to any person or persons willing to purchase, for such price as can be obtained for the same; or in default of payment by any stockholder of any such instalment as aforesaid, the said president and managers may, at their election, cause suit to be brought, before a justice of the peace, or in any court having competent jurisdiction, for the recovery of the same, together with the penalties aforesaid: *Provided*, That no stockholders, whether original subscriber or assignee, shall be entitled to a vote at any election, or at any general or special meeting of said company, on whose share or shares any instalments or arrearages may be due and payable, more than thirty days previously to said election or meeting.

SECTION 8. It shall and may be lawful for the said president, managers and company, their superintendents, surveyors, engineers, artists and workmen, to enter upon the said river Monongahela, and upon the lands on either side, and to use the rocks, stones, gravel or earth which may be found thereon, in the construction of their works, first giving notice to the owner or occupiers of the land, and to form and make, erect and set up any dams, locks, or any other device whatsoever, which they shall think most fit and convenient to make a complete slackwater navigation between the points herein mentioned, to wit: the city of Pittsburg and the Virginia state line; and that the dams which they shall so construct for the purpose of slackwater navigation, shall not exceed in height four feet six inches, and that the locks for the purposes of passing steam boats, barges and other craft, up and down said river, shall be of sufficient width and length to admit a safe and easy passage for steam boats, barges, and other craft, up as well as down said river; they shall make amends for any damage that may be done on said lands, and pay the owner or owners for the materials taken away, as well as for the land occupied in the construction of the said dams and water works: *Provided*, If the parties cannot agree, the said damages are to be valued by five disinterested freeholders, appointed by the consent of the parties, or if they cannot agree, by any disinterested justice of the peace of the proper county, and the report made by the freeholders so agreed upon, or appointed as aforesaid, or a majority thereof, shall be filed in the office of the Prothonotary of the county in which the land lies, and

shall be regularly entered of record, which report being confirmed by the court, judgment shall be entered thereon, and execution may issue in case of non payment for the sum awarded, with reasonable costs, to be assessed by the court; and it shall be the duty of the five freeholders aforesaid, in assessing the damages, to take into consideration the advantages derived to the owner or owners of the premises, from the said improvements hereby authorized : *Provided*, That either party may appeal to the court, within thirty days after such report may have been filed in the Prothonotary's office of the proper county, in the same manner as appeals are allowed in cases under the act entitled "An act regulating arbitrations," passed the twentieth day of March, Anno Domini, one thousand eight hundred and ten : *Provided further*, That before entering upon or occupying any lands, said company shall give security, to be approved by the court of Common Pleas of the county in which the land lies, to pay the amount of damages, which shall be finally adjudged against them for such occupation or entry upon such land.

2d Proviso as to damages.

3d Proviso as to the same.

Water power may be used by the company or sold.

Proviso.

SECTION 9. The said president, managers and company shall have the privilege, and be entitled to use the water power from the said river, to propel such machinery as they may think proper to erect, on the land which they may previously have purchased from the owner or owners, or may sell, in fee, lease, or rent, for one or more years, the said water power, to any person or persons, on such terms as shall be most advantageous to the corporation: *Provided*, it may be so done that it shall not injure, impede, or interrupt the navigation, and that the moneys arising from such sale of the water power, be applied to the use and benefit of the said corporation.

Viewers.

License.

Tolls.

Proviso.

SECTION 10. So soon as twenty miles of the slack water navigation shall be completed, the said president and managers shall give notice thereof to the Governor, who shall thereupon nominate and appoint three disinterested persons to view and examine the same, and report to him in writing, under oath or affirmation, whether the said works have been so far executed in a workmanlike manner, according to the true intent and meaning of this act; and if at any time their report shall be in the affirmative, then the Governor shall, by license, under his hand and the seal of this commonwealth, permit the said president, managers and company, or such person as they shall from time to time appoint, to collect the tolls, which shall not exceed the following rates, to-wit: That the president and managers shall be entitled to take and receive the same rate of toll per ton, or otherwise, at their discretion, as the Schuylkill Navigation company are entitled to receive under their act of incorporation: *Provided further*, That if at the expiration of two years after the said work shall have been completed, the

tolls, together with the interest of the surplus of any money arising from the sales of water power, or the rents and profits thereof, should enable the company, after paying all repairs and other necessary expenses, to divide more than seven per centum per annum on the capital stock expended, the tolls shall be so reduced that the dividends shall not exceed seven per cent., and shall so continue for five years, and if at the expiration of that time they shall exceed nine per cent., they shall be so reduced as not to exceed nine per cent., and shall thereafter be so regulated, from time to time, as not to exceed nine per cent. per annum; and if at any time after the expiration of one year from the completion of the said work, the nett profits aforesaid shall not amount to seven per cent. upon the money expended, it shall be lawful to increase the said tolls so as to divide seven per cent: *Provided also*, That if it should be found, at any time ^{2d Proviso.} after the said company goes into operation, that the profits ^{as to passing} arising from the sale, rent or lease of the said water power, ^{toll free.} should amount to seven per centum per annum on the capital stock actually expended, then it shall not be lawful to demand or receive any toll at any of the locks aforesaid, but to permit all persons going up or down said river in boats, barges, or other vessels, to pass through said locks free of any toll; or other charges whatsoever.

SECTION 11. It shall be the duty of the commandant of any boat, barge, or other vessel navigating the said river, when he shall arrive within one-fourth of a mile from any ^{When horn} lock so erected, under the penalty of two dollars, to blow a ^{or trumpet to} horn or trumpet, or ring a bell, whereupon, the keepers of ^{be sounded,} such lock shall attend, for the purpose of opening such gate ^{or bell rung.} or sluice, to let the said boat, barge, or other vessel, pass without unnecessary delay, and in safety; and if any boat, barge, or other craft, shall be prevented from passing up or down any of the said locks or sluices, by reason of the lock not being raised, for more than thirty minutes, the president, managers and company shall, upon conviction thereof, forfeit ^{Penalty.} and pay to the person so hindered, the sum of one dollar for every thirty minutes beyond the said time that he shall be so prevented, and in the same proportions, for any longer or shorter time, and civil process in the proper county, and next to the place where the offence shall have been committed, shall be served by the owner or owners thus aggrieved, upon the aforesaid president, managers and company.

SECTION 12. If the president, managers and company shall neglect or refuse to keep in good order and repair, any dam, lock, or sluice, of their own construction, or shall neglect to remove any obstacle which may occur therein, so that boats, ^{Obstacles to} barges, rafts, or vessels, cannot at all times safely navigate said ^{be removed.} river, when the same is not prevented by ice, or other unavoidable cause, they shall for every such offence pay the sum of fifty ^{Penalty.}

dollars, to be recovered in the same manner, as debts of equal amount are or shall be by law recoverable, one half to the use of the informer, and the other half to the use of the poor of the township or county where the neglect or refusal may occur.

Penalty.

SECTION 13. If any person or persons shall willfully and knowingly do any act or thing whereby the navigation shall be impeded, or any dam, lock, gate or engine, machine or device, therein belonging, or any machinery or property of the company shall be injured or damaged, he, she or they so offending, shall forfeit and pay to the said company double the damages by them sustained, together with costs, to be recovered by action of debt, before any justice of the peace, or in any court of competent jurisdiction.

Fair and just accounts to be kept and submitted to the stockholders.

SECTION 14 The president and managers of the said company shall keep fair and just accounts of all monies received by them from the said commissioners, and from the subscribers to the undertaking, on account of the several subscriptions, of all penalties for delay in the payment thereof, and the amount of profits on the shares which may be forfeited as aforesaid, and also, of all monies by them expended in the prosecution of the said works, and shall in every year submit such accounts to the stockholders, at their annual meetings, and when the aggregate amount of such receipts and expenditures shall be ascertained, and upon such liquidation, or when the capital stock shall be nearly expended, it shall be found that the said capital stock will be insufficient to complete the said navigation, according to the true intent and meaning of this act, it shall and may be lawful for the said president, managers and company, at a stated or special meeting, to be convened for the purpose, to increase the number of shares to such extent as shall be deemed sufficient to accomplish the work, and to receive and demand the monies for shares so subscribed, in like manner and under like penalties as are hereinbefore provided, or as shall be provided by their by-laws.

Shares of stock may be increased.

Just and true accounts.

SECTION 15. The president, managers and company, shall keep a just and true account of all the monies received by their several and respective collectors of tolls, at the several and respective locks, and all monies received for the rent or hire of the water power, and all other emoluments, and shall make and declare a dividend of the clear profits and income thereof, among all the stockholders, in proportion to the stock held by each, all contingent costs and charges being first deducted, and shall on the first Monday in January in each and every year, publish the dividend made of their clear profits, and the time when, and the place where the same will be paid to the stockholders, not exceeding twenty days thereafter, and shall cause the same to be paid accordingly, and shall, on or before the first Monday of February, in

Dividend.

every year after the incorporation of the company, lay an Annual re-abstract of the accounts of their receipts and disbursements port to the legislature, before the legislature, under oath or affirmation, of the presi- legislature. dent of the company; and the said company shall pay annually into the treasury of the commonwealth, a tax of eight per centum per annum on all dividends which may exceed six per centum on the capital stock actually paid in.

SECTION 16. Nothing herein contained shall at any time injure, destroy, or in any way impair any right, privilege, or legal claim which may have been granted to individuals by any act or acts of assembly heretofore passed, for the purpose of erecting mill dams on said river, but such persons as Mill dams, have mill dams thereon, are hereby enjoined to have them &c. constructed or raised to the same height as is prescribed in the eight section of this act, at their own proper costs and expense, and also, to build and erect a suitable lock or locks, and guard wall, and the same to be inspected and approved of by the said president and managers, or a majority of them, and to maintain and keep the same in perfect order and repair, to receive the same tolls, and be subject to the same penalties and forfeitures, and be liable to have process served on him, her, or them, in the same manner as the president, managers and company are subject to according to the provisions of this act; but if the owner of such privilege shall, for six weeks after notice given by said president, managers and company, neglect or refuse to construct or repair his or her dam, and make his or her lock in the manner prescribed by the company, then the said managers and company shall have power to erect such dam and lock, and receive the tolls in the same manner as is provided in the tenth section of this act.

SECTION 17. If the said president, managers and company, shall not proceed to carry on the said work within five years from the passage of this act, and shall not complete the Time of completing the work. navigation to the Virginia state line aforesaid, in seven years thereafter, according to the true intent and meaning hereof, then, and in either of those cases, all the rights, privileges, liberties and franchises hereby granted to said company, shall revert to the commonwealth: *And provided*, That *Provided as to* in case of forfeiture by the company, the owner, or owners of dams and any water powers created by any dam erected by virtue of this locks. act, shall be obliged to keep in perfect repair and good condition any dam or dams, lock or locks, connected with such water power, under and subject to the same penalties as the company originally were, and shall have the right to charge and receive the same tolls as the said company had received; and in case the owner or owners of such water power shall neglect or refuse to keep the said dam or dams, lock or locks, as aforesaid, in good order and repair, fit for the passage of boats, barges, and other vessels, as the case may be, the

legislature may resume all and singular, the rights, privileges, liberties and franchises granted by this act.

The commonwealth may purchase improvements.

SECTION 18. It shall be lawful for the commonwealth, at the end of twenty-five years from the completion of the work hereby authorized, to purchase the improvements made in pursuance of this act, by paying to the company the original cost expended in the improvements, and the subsequent expenses, together with six per cent. interest thereon, deducting from the sum of principal and interest aforesaid, the dividend before declared by the said company, on the capital stock, and on the payment thereof by the commonwealth to the said company, in such manner and form as shall be agreed upon by the said company, and by agents, duly authorized by the commonwealth, all and singular, the improvements aforesaid, with its appurtenances, water rights and privileges, shall be vested in the commonwealth, and the privileges and corporate rights hereby granted, will thereupon cease and determine, excepting so far as the same may be necessary in the settlement of the concerns of said company.

When suits shall be commenced.

SECTION 19. No suit or action shall be brought or prosecuted by any person or persons; for penalties incurred under this act, unless said suit or action shall be commenced within six months next after the offence shall have been committed, or the cause of action have accrued, and the defendant or defendants in such suit or action, may plead the general issue, and give this act and the special matter in evidence, and that the same was done in pursuance and by authority of this act.

Banking, &c. prohibited.

SECTION 20. The said company shall not engage, directly or indirectly, in any banking, moneyed, commercial or manufacturing concern, or in the transportation or storage of any merchandise, lumber, coal, grain, flour, or other articles, nor shall they hold, erect, or own any other lands, buildings, wharves, or docks, than such as are necessary and convenient for their business as a navigation company.

Extension into Virginia authorized.

SECTION 21. That the said company hereby incorporated, be and they are hereby authorized and empowered to procure the right from the proper authorities of the state of Virginia, to extend the said improvements from the Pennsylvania state line, as far up the said river as the said company may deem practicable: *Provided*, That the charter or grant which shall be obtained from the said state of Virginia, for the purpose aforesaid, shall stipulate that no higher or other tolls or charges shall be made or exacted on so much of the said improvements as shall be located within the said state, than are permitted to be charged by the provisions of this act; on that portion of the said improvements which shall be located in the state of Pennsylvania, and in default of such stipulation, within three years from the passage of this act, the Legislature

Tolls regulated.

of this commonwealth reserves the right to make such alterations and additions to the charter hereby authorized, as may be deemed just and expedient. Reserved rights by the legislature.

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The thirty-first day of March, Anno Domini, one thousand eight hundred and thirty-six.

JOS: RITNER.



No. 86.

An Act

To incorporate the Philadelphia Loan company, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That George S. Schott, Joseph R. Chandler, William Stephens, Benjamin E. Carpenter, John F. Ohl, Nathaniel C. Foster, T. E. I. Kerrison, John R. Walker, Bartholomew Graves, William E. Whitman, James Simpson, Benjamin Duncan, T. M. Moore, Jacob Marker, and Francis Cole, and all such persons as shall be associated with them, when they shall have complied with the requisitions of this act, may be constituted and declared a body corporate, by the name, style and title of "The Philadelphia Loan company." Who to consist of.

SECTION 2. The capital stock of the said company shall be five hundred thousand dollars, which shall be divided into shares of twenty-five dollars each, which capital stock shall be transferrable on the books of the said company, in such manner as the board of directors may order and direct; and the Governor shall thereupon, by letters patent, under his hand and the seal of the state, erect and create the subscribers into one body corporate and politic, in deed and in law, for the period of fifteen years, under and by the name, Amount of capital. When letters patent shall issue. Term of charter.

General
powers.

style and title of "The Philadelphia Loan company," and by that name they and their successors may and shall have succession, and shall be able to sue and be sued, plead and be impleaded, in all courts of record and elsewhere, and to prosecute and defend all suits, actions, complaints, matters and causes whatsoever, either at law or in equity, and to have and use a common seal, and the same to change and renew at pleasure, and also, under the name and style of "The Philadelphia Loan company," shall be in law capable of purchasing, holding, selling or conveying any estate, or property real or personal, for the use, occupation and benefit

Amount of
real estate.

of the said corporation: *Provided*, That the real estate to be holden by the said corporation, shall be such only as may be requisite for the immediate occupation in the transaction of

Not to deal
in merchan-
dise.

its business: *And provided*, That the said corporation shall not, directly or indirectly, deal or trade in buying or selling any goods, wares or merchandise whatsoever, except in receiving and disposing of the same in the manner hereinafter mentioned, when truly pledged to the said corporation

Capital to be
paid in one
year.

for loans, and within one year from the passage of this law. to call in and cause to be paid, the whole of the capital hereby authorized.

Directors,
how to be
chosen.

SECTION 3. The affairs of the Philadelphia Loan company shall be managed by thirteen directors, each of whom shall be a stockholder, owning at least five shares of the said stock, and shall hold their offices until others shall be chosen in their places.

SECTION 4. The persons herein first named, shall be the first directors to manage the affairs of the said company; that the time and place of holding elections for future directors, shall be fixed and regulated by the by-laws of said company, and notice of such election shall be previously published for two weeks, in two of the daily newspapers in the city or county of Philadelphia; all the elections to be holden for the purpose of choosing directors, each stockholder of the company shall be entitled to and vote for every share of stock held by him to the number of fifty shares, but no stockholder shall give more than fifty votes at any election.

SECTION 5. All elections shall be by ballot, and the thirteen persons having the greatest number of votes, shall be directors, and if it should so happen at any election that any two persons shall have an equal number of votes, then the directors in office at the time of the election, or a major part of them, shall proceed by ballot, and by a plurality of votes determine which of the said persons so having an equal number of votes, shall be the director or directors, so as to complete the whole number; and should any director cease to be a stockholder, his office shall be considered vacant, and all vacancies happening from this cause, or the death, resigna-

tion, or removal of any director, shall be supplied by the remaining directors, or by the major part of them, until a new election.

SECTION 6. The directors for the time being, or a majority President, of them, shall have power to elect a president from their &c. how own body, to appoint such officers, appraisers and agents, as chosen. they shall deem necessary to conduct and execute the business and affairs of the company, to fix and regulate the time, manner and terms of making loans, and receiving pledges Directors, to and deposits, to pass such by-laws as shall be necessary to make by- the exercise of the said power, and of the other powers ves- laws, etc. ted in said corporation by this act, and the said by-laws from time to time to alter and repeal: *Provided*, That such by-laws shall not be contrary to the laws of this state or of the United States.

SECTION 7. It shall be lawful for the said company to Loans. loan money, in any sum or sums from one dollar upward, on pledges of goods and chattels, and other securities, to be deposited with the company as security therefor, and to charge all reasonable expenses incident to the same, and an interest not exceeding six per cent. per annum: *Provided* Interest. however, That nothing contained in this act shall be con- No banking strued to authorize said company to discount notes: *And* privileges. provided, That this corporation shall issue no notes or bills of credit, or promissory notes in the nature of bank notes, or exercise any banking privileges whatever. The court of Subject to in- Quarter Sessions may from time to time, appoint a suitable vestigation person to investigate the affairs and management of said by Quarter company, who shall report to such court the manner in Sessions. which its investments are made, his opinion of the ability and integrity with which the affairs of the company are conducted, of the prudence and safety of its investments, and the security afforded to those by whom its engagements are held; the expense of every investigation so made, shall be defrayed by the said company.

SECTION 8. It shall be the duty of the said company to use all reasonable diligence and care in the preservation of all articles, goods and chattels whatsoever, which shall be pledged and deposited with them, and when any article or articles shall be pledged as aforesaid, the same shall be ap- Appraise- praised by the proper officer of said company, who shall ment, and then deliver to the person pledging such article or articles, certificates of a certificate, signed by him, and dated on the day of its pledge. delivery, which shall contain a description of the article or articles pledged, as nearly as may be, with the appraised value thereof, and shall specify the sum of money borrowed, the time of repayment, and the lawful rate of interest, together with the name of such borrower, a duplicate of which receipt shall be kept in the books of the company.

Stolen goods. SECTION 9. Whenever, from any advertisement, notice or caution received previous to the offer to pledge any article, the officers or agents of the company shall suspect and believe that such article so offered to be pledged, has been stolen, it shall be the duty of such officer or agent to detain the same, and to give immediate notice thereof to the person who issued said advertisement, notice or caution, and also to give immediate information of the circumstances to a justice of the peace, alderman, or police officer of the city or county of Philadelphia, with a description of the person offering to pledge such articles, and every circumstance within his knowledge which may lead to the detection and apprehension of the thief.

Repayment of loan,
And return of pledge. SECTION 10. Whenever at any time, or before the termination of the period specified in the certificate for the expiration of the loan, or within two weeks thereafter, the certificate of such loan shall be presented at the customary place of business of the company, and payment or tender shall be made of the amount of such loan, with interest, at the rate named in such certificate or fixed by this act, from the date of said certificate, to the time when it shall be presented, the article or articles described in said certificate shall be without delay delivered to the bearer thereof, and in case of the loss or destruction of said certificate, it shall be lawful for the said corporation to require from the person or persons claiming a right to redeem any articles described in such lost or destroyed certificate, satisfactory proof, by affidavit or otherwise, that such person or persons is or are legally entitled to redeem the same, and to require such person or persons to execute and deliver to the Philadelphia Loan company, a bond of indemnity, with a sufficient surety or sureties, in double the amount of the appraised value of such article or articles, conditioned that the said article or articles shall be returned, or the just value thereof refunded, in case the said certificate shall thereafter be presented, or the said articles otherwise legally claimed, together with all costs, charges, damages and expenses which shall have accrued by reason of the delivery thereof.

Lost certificate.
Certificates not sealed, binding. SECTION 11. The certificates of loans, and all other contracts and agreements whatever of the said company, made pursuant to this act, and to the by-laws and regulations to be established by the president and board of directors of said company, although not under the corporate seal, shall be binding on them and their successors.

Sale of pledges. SECTION 12. If any article or articles so pledged as aforesaid, shall remain unredeemed at the expiration of the period of the loan made thereon, it shall be lawful for the said company to sell the same at public auction by a licensed auctioneer, after having given at least two weeks previous notice of the time and place of such sale, in two of the daily

newspapers published in the city or county of Philadelphia; such auctions may be held on such days as may be fixed by the by-laws of the company, at the usual place of transacting the business of the company, or elsewhere in the city or county of Philadelphia, and the surplus proceeds of all articles pledged to and sold by the company, in the manner returned. Surplus to be aforesaid, after paying the loan made thereon, the interest and charges on such loan, and the reasonable expenses of the sale, shall be paid to the person or persons presenting the certificate or certificates of such loan, without interest on such surplus, until after a legal demand therefor shall have been made.

SECTION 13. From and after the time when the Philadelphia Loan company shall be erected into a corporation, as called in. aforesaid, it shall be lawful for the directors for the time being, to call for and demand from the stockholders or subscribers all such sum or sums of money by them subscribed, at such times, and in such proportions as they shall see fit, under pain of forfeiture of their shares, and of all previous payments thereon, always however, giving at least fifteen days previous notice of such demand, in at least two of the public daily newspapers printed in the city or county of Philadelphia; and each stockholder shall be entitled to vote on such stock as he or she may have holden, in his or her name, at least thirty days previous to the time of the election, and no transfer of the stock of the said company shall be valid or effectual, until it shall be entered and registered in a book or books, to be kept for that purpose by the directors. How trans-ferred

SECTION 14. It shall be the duty of the president and officers of said company, at least thirty days previous to an election, as above provided, to prepare and insert in a book to be provided for the purpose, a full and true statement of the funds, property and sureties of the said company, shewing the amount in real estate, public stock, and the amount of debts due to and from the said company, to be exhibited during the usual hours of business, at the office thereof, until the day of election; and in case the president or officers of said company shall refuse or neglect to prepare such statements, or submit the same, when required, to any stockholder, in the manner and at the time above required, they and each of them shall forfeit and pay to any person so requiring the inspection of such statement, and being at the time of such neglect a stockholder of the said company, the sum of fifty dollars, to be sued for and recovered by such stockholder, to his own use, in the court of Common Pleas of the city and county of Philadelphia: *Provided*, such suit be commenced within thirty days after the election of said company. Statement of accounts.

SECTION 15. The offices, storehouses, and other buildings necessary for the conducting of the business and concerns of the said corporation, shall be located in the city of Philadel- Penalty.

Offices, etc. phia, and the said storehouses and other buildings, used for to be examin- the reception of goods, wares, furniture and merchandise, ed by mayor, shall at all times be opened for examination and search, by etc. any person duly appointed for that purpose by the mayor of the city of Philadelphia, and the president judge of the court of Quarter Sessions of the county of Philadelphia.

Deposits. SECTION 16. It shall be lawful for the said corporation to receive money or deposit, in sums from one dollar upwards; the rates of interest allowed to depositors to be fixed by the by-laws of the company, and a certificate of deposit to be given to such depositor, stating the rate of interest, and the period for which such a deposit is made.

Legislature to revoke. SECTION 17. The privileges hereby granted to the said Philadelphia Loan company, shall be subject to an immediate repeal by the legislature, in case of any misuse or abuse, if at any time hereafter they may think proper so to do, and such alterations, provisions and restrictions, as they may from time to time enact, and shall be liable to such taxes, whether on dividends or otherwise, as the legislature may at any time impose: *Provided*, That the president,

Statement to Auditor General. or secretary of the said company shall annually, on the first Monday in December, transmit to the Auditor General a full statement of the affairs of the said company, under oath, and shall pay annually into the treasury of the commonwealth, a tax of eight per centum on all dividends which may exceed six per centum on the capital stock actually paid in.

Franklin Bank of Washington, how to pay bonus. SECTION 18. That the Franklin Bank of Washington shall pay into the state treasury, within one year after the said bank shall go into operation, five per centum on the sum of one hundred and fifty thousand dollars, and that when any portion of the balance of the capital stock shall be called in by the directors, the said bank shall, within one year thereafter, pay into the state treasury five per centum on the whole of such balance; and further, it is hereby declared to be the meaning of the second section of the act authorizing the establishment of said bank, entitled "An act to incorporate the Franklin Bank of Washington," passed the ninth day of March, Anno Domini, one thousand eight hundred and thirty-six, that the commissioners, or a majority thereof, named in said act, may, if necessary, cause the stock to be exposed to sale, at any and all of the places designated in said second section, or at each of said places successively, until the whole of said stock is sold.

NER MIDDLESWARTH,

Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,

Speaker of the Senate.

APPROVED—The thirty-first day of March, A. D. eighteen hundred and thirty-six

JOS : RITNER.

No. 87.

An Act

Authorizing the Governor to incorporate the Willardsburg and Jersey Shore Railroad company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That William Willard, junior, Samuel W. Morris, Robert G. White, George Crawford, ^{Commissioners.} and Solomon Bastrers, Josiah Emory, Francis Wetherbee, Levi J. Nichols, Asa C. Bush, William Garretson, Horace Frizelle, Isaac N. Pomroy, Curtis Merritt, Charles Wharton, junior, John White, Israel Morris, George D. B. Keim, and George M. Keim, Samuel Nevins Mathew Newkirk, Frederick Clett, Isaac Otis, Richard Morris, Charles F. Lex, George Tomb, John Bailey, Stephen Winchester, John Pursell, James H. Hepburn, Doctor J. M. Green, D. A. Davidson, B. W. Richards, Joseph Burden, John R. Walker, William Badger, R. L. Longhead, William A. Martin, B. T. Bioren, W. G. Alexander, Parsey Oakford, Hugh Cassaday, John Pearce, be, and they are hereby appointed commissioners to do and perform the several things hereinafter mentioned, that is to say: they, or any three of them, shall procure ^{To open} a sufficient number of suitable books, and in each of them ^{books.} shall enter as follows, viz: "We and each of us whose names are hereunto subscribed, do promise to pay to the directors of the Willardsburg and Jersey Shore railroad company, the sum of fifty dollars for every share of stock set to our respective names, and by us respectively subscribed, in such manner and proportions, and at such times and places as shall be determined and directed by the said directors, in pursuance to an act entitled 'An act authorising the Governor to incorporate the Willardsburg and Jersey Shore railroad company.' Witness our hands, the day of _____ in the year of our Lord, one thousand eight hundred and thirty _____;" and shall thereupon give notice, in one or more newspapers printed in the city of Philadelphia, and two in Tioga county, and two in Lycoming county, for one calendar month at least, of the times when, and the places where the said books shall be open to receive subscriptions for the stock of said company, at which time and places, some one or more of the said commissioners shall attend, and receive subscriptions from all persons of lawful age who shall offer to subscribe in said books, which shall be kept open for the purpose aforesaid, at least six hours in each juridical day, for the space of three days,

Number of
shares.

1st instal-
ment.

When letters
patent to
issue.

General
powers.

No banking
privileges.

How to or-
ganize.

or until the books shall have been subscribed therein sixteen thousand shares, and the said commissioners may adjourn from time to time, and transfer the books from place to place, until the whole number of shares aforesaid shall be subscribed, of which adjournment and transfer, the said commissioners shall give such notice as the case may require: *Provided always*, That every person offering to subscribe in said books, in his own or any other name, shall previously pay to the attending commissioner or commissioners, the sum of five dollars for every share to be subscribed, and no subscription shall be valid, unless the person so subscribing shall pay the said sum of five dollars, so as aforesaid: *Provided*, That on the first day that the books shall be so opened, no person, in his own name or in the name of another, for his use, shall be permitted to subscribe for more than twenty shares of said stock.

SECTION 2. Whenever one thousand shares shall have been bona fide subscribed, by at least twenty persons, and five dollars shall have been paid on each share as aforesaid, the said commissioners, or a majority of them, shall certify the same, under oath or affirmation, to the Governor of this commonwealth, whereupon the Governor shall, by letters patent, under his hand and the seal of the commonwealth, create and erect the subscribers, and if the subscription be not full at the time, then also those who shall thereafter subscribe to the number of shares as aforesaid, into a body politic and corporate, in deed and in law, by the name, style and title of "The Willardsburg and Jersey Shore railroad company," and by the same name the subscribers shall have perpetual succession, and be able to sue and be sued, implead and be impleaded, in all courts of record and elsewhere, and to purchase, have, receive, hold and enjoy, to them and their successors, such lands, tenements, and hereditaments, and such personal estate as shall be necessary to them in the prosecution of their works, and also to make and have a common seal, and the same to alter or renew at pleasure, and also to ordain, establish and put in execution such by-laws, ordinances and regulations, as shall appear necessary and convenient for the government of the said corporation, not being contrary to the constitution and laws of the United States or of this commonwealth, and generally to do all and singular, the matters and things which to them it shall lawfully appertain to do for the well being of the said corporation, and the due management and ordering the affairs of the same: *Provided*, That nothing herein contained shall be considered as in any way giving to the said corporation any banking privileges whatever, or any other liberties, privileges or franchises, but such as may be necessary and incident to the making or maintaining of the said railroad.

SECTION 3. The said named commissioners, or any five of them, shall, as soon as conveniently may be after the

said letters patent shall be obtained, give at least thirty days previous notice in the newspapers hereinbefore mentioned, of the time and place by them appointed for the subscribers to meet, in order to organize the said company, and to choose by a majority of votes of the said subscribers, by ballot, to be given in person or proxy, which proxy shall have been obtained and bear date within three months previously to the election at which such proxy shall be presented, duly authorized, one president and ten managers, who shall be residents of this commonwealth, a treasurer and secretary or secretaries, and such other officers as shall be deemed necessary; that the president and managers shall conduct the business of said company until the first Monday of January then next, and until like officers shall be chosen, and may make such by-laws, rules, orders and regulations, as are not inconsistent with the constitution and laws of the United States or of this state, and that may be necessary for the well governing the affairs of the company.

SECTION 4. The stockholders shall meet on the first Mon-Annual elec-
day of January in every year, at such place as may be fixed tions.
upon by the by-laws, of which notice shall be given at least
thirty days, by the secretary, in the newspapers before men-
tioned, and choose, by a majority of votes present, their
officers, as mentioned in the third section of this act, who
shall continue in office for one year, and until others are
chosen, and at such other times as they may be summoned
by the managers, in such manner and form as shall be pre-
scribed by the by-laws, at which annual or special meetings,
they shall have full power and authority to make, alter or
repeal, by a majority of the votes, in manner aforesaid, all such
by-laws, rules, orders and regulations, as aforesaid, and to
do and perform every other corporate act; and the number Right of
of votes to which each stockholder shall be entitled, shall be voting.
according to the number of shares he or she shall hold, in
the following proportions, that is to say: for each share not
exceeding two shares, one vote; for every two shares above
two and not exceeding ten shares, one vote; for every four
shares above ten and not exceeding thirty, one vote; for
every ten shares above thirty and not exceeding one hundred,
one vote; but no share or number of shares above one hund-
red, shall confer any additional right of voting, and no
share shall confer a right of suffrage, which shall not have
been holden three calendar months prior to the election, nor
unless it be holden by the person in whose name it appears,
absolutely and bona fide, in his or her own right, or in that
of his wife, or for his or her sole use and benefit, or as
executor or administrator, trustee or guardian, or in the right
and for the use and benefit of some copartnership, corpora-
tion, or society, of which he or she may be a member, and
not in trust for and to the use and benefit of any other per-

son: *Provided*, That no shares held by transfer shall be entitled to vote, unless the same shall have been transferred at least three months before the election, and all votes by proxy shall be on such terms and conditions as are prescribed by the act passed on the twenty-eighth day of March, in the year one thousand eight hundred and twenty, entitled "An act to regulate proxies."

Manner of election.

SECTION 5. The election of officers provided for in the fourth section of the act, shall be conducted in the following manner, that is to say: the managers for the time being, shall appoint two of the stockholders not being managers, to be judges of the said election, and to conduct the same, after having severally taken and subscribed an oath or affirmation, before an alderman or justice of the peace, well and truly and according to law to conduct such election, and the said judges shall decide on the qualifications of the voters, and when the election is closed, shall count the votes and declare who is elected; and if it shall at any time happen that an election of president, managers, treasurer or other officer, shall not be made, the corporation shall not for that cause be deemed to be dissolved, but it shall be lawful to hold and make such election of president, managers, treasurer or other officer, on the same day, or on any other day thereafter, by giving at least thirty days notice, signed by the president or secretary, in the newspapers before mentioned, of the time and place of holding said election, and the president, managers and treasurer, and other officers of the preceding year, shall in that case continue to act, and be invested with all the powers belonging to their respective situations, until an election shall take place; and in the case of death or resignation, or removal from the state of any president, manager, treasurer, or other officer, the place shall be filled by the board of managers, until the next annual election.

Quorum of directors to act.

SECTION 6. The said president and managers shall meet at such times and places as shall be found most convenient for the transacting of their business, and when met, six shall be a quorum, who, in the absence of the president may choose a chairman, and shall keep minutes of their transactions, fairly entered in a book, and a quorum being formed, they shall have full authority to appoint all such surveyors, engineers, superintendents, other artists and officers as they shall deem necessary to carry on the intended work, and to fix their salaries and wages, to ascertain the times, manner and proportion in which said stockholders shall pay the moneys due on their respective shares, to draw orders on the treasurer for the same, which shall be signed by the president, or in his absence by a majority of the managers present, and countersigned by the secretary, and generally to do all such other acts, matters and things, as by this

Powers.

act and by the by-laws and regulations of this company, they are authorized to do.

SECTION 7. The president and managers first chosen, shall Certificates procure certificates or evidence of stock for all the shares of of stock. the said company, and shall deliver one such certificate, signed by the president and countersigned by the treasurer, and sealed with the common seal of the said corporation, to each person for every such share or shares by him subscribed and held, which certificate or evidence of stock shall be transferrable at his pleasure, in person or by attorney, (duly authorized,) subject however, to all payments due or to become due thereon, and the assignee holding any certificate, having first caused the assignment to be entered in a book of the company, to be kept for the transfer of stock, shall be a member of the said corporation, and for every certificate assigned to him as aforesaid, shall be entitled to a share or shares, as is therein mentioned, of the capital stock, and of all the estates and emoluments of the company incident to each share or shares, and to vote as aforesaid at the meetings hereof, and subject to all penalties and forfeitures, and of being sued for all the balances and penalty due or to become due on each share, as the original subscriber would have been.

SECTION 8. If after thirty days notice in the public papers aforesaid, of the time and place appointed for the payment of Forfeiture of any proportion or instalment of the said capital stock, in stock.

order to carry on the work, any stockholder shall neglect to pay each proportion or instalment at the place appointed, for the space of thirty days after the time so appointed, each and every share of said stock on which such stockholder has neglected to pay as aforesaid, shall be forfeited to the said company, and may be sold to any person or persons willing to purchase, for such prices as can be obtained for the same, or in default of payment by any stockholder, of any such instalment as aforesaid, the president and managers may at their election, cause suit to be brought before an alderman or justice of the peace, or any court having competent jurisdiction, for the recovery of the same, together with the penalty aforesaid: *Provided*, That no stockholder, whether original subscriber or assignee, shall be entitled to vote at any election, or at any general or special meeting of the said company, or on whose share or shares any instalment or arrearages may be due, and payable more than thirty days previously to the said election or meeting.

SECTION 9. The president and managers of the said com- Treasurer to pany shall demand and require of and from the treasurer, give bond. all and every other persons by them employed, bond in sufficient penalties, and with such securities as they shall by their rules, orders and regulations, require for the faithful discharge of the several duties and trusts to them or any of them respectively committed.

Dividends.

SECTION 10. Dividends of so much of the profits of the institution as shall appear advisable to the managers, shall be declared twice in every year, and paid to the stockholders on demand, at any time after the expiration of ten days therefrom, but they shall in no case exceed the amount of nett profits actually acquired by the company, so that the capital stock of said company shall never be thereby impaired. and if the said managers shall make any dividend which shall impair the capital stock of said institution, the managers consenting there'o, shall be liable in their individual capacities to said company, for the amount of the stock so divided, and each manager present when such dividend shall be made, shall be adjudged to be consenting thereto, unless he forthwith enter his protest on the minutes of the board. and give public notice to the stockholders at the declaring such dividend : *Provided*, No such dividend shall exceed fifteen per cent. per annum, nor shall the contingent fund of the company at any time exceed one fourth of their capital stock ; that the president and managers of the aforesaid company shall annually, on the first Monday in-December, transmit to the Auditor General a full statement of the affairs of the said company, under oath. and shall pay annually into the treasury of the commonwealth, a tax of eight per centum on all dividends which may exceed six per centum on the capital stock actually paid in.

Statement to
Auditor Gen-
eral.

Statement to
the legisla-
ture.

SECTION 11. When actual operations shall have commenced, and at the end of every year thereafter, there shall be furnished to the legislature an abstract of the accounts of the company, showing the whole amount of their capital actually paid into the funds of the company, the sums expended, the tolls and other profits accruing within the year and the amount of dividends declared in each year, or the losses sustained, as the case may be, which abstract shall be verified by the oath or affirmation of the president of the company for the time being.

SECTION 12, The president, managers and company of the said railroad company, shall have power to survey, lay down, ascertain, mark and fix such route as they shall deem expedient for a double or single railroad, beginning at a point in the Tioga railroad, at or near Willardsburg, in the county of Tioga, thence pursuing the valley of the Crooked creek to the Big Marsh, and thence by Wellsboro', along a branch of the third fork of Pine creek, to its source, near the source of Wilson's creek, and thence by Wilson's creek to the second fork of Pine creek, and the Main creek, or by such other route as shall be most passable, to a point on the West Branch canal, at Jersey Shore, in the county of Lycoming, having due regard to the situation and nature of the ground, and of the buildings thereon, the public convenience and the interest of the stockholders, and so as to do

Route of road

least damage to private property ; and the said road shall Restrictions.
 not pass through any burying ground nor place of public
 worship, nor any dwelling house, without the consent of the
 owner thereof, nor shall it pass through any out building of
 the value of ten dollars, without such consent ; and the said
 president, managers and company shall, within six months
 after ascertaining the route of the said railroad, cause an
 accurate survey of the lines of said road to be made, a Survey to be
 map or plot of which survey they shall cause to be filed in filed.
 the prothonotary's office of the counties of Tioga and Lyco-
 ning, respectively, which maps or plots, or a certified copy
 thereof, shall be sufficient evidence of the course of the said
 road, which may then be opened, and all the expenses in-
 curred thereby shall be defrayed by said company.

SECTION 13. It shall be lawful for the president, managers Right of en-
 and company of the said railroad company, and their agents, try, &c.
 and all persons employed by or under them for the purposes
 contemplated in this act, to enter upon any land which they
 shall deem necessary for laying out said road, and also for
 the purpose of searching for stone, sand or gravel, or wood,
 for constructing said road, but no stone, sand, gravel or Restrictions.
 wood, shall be taken away from any land without the consent
 of the owner thereof, until compensation for the same be
 ascertained and paid, which compensation, if the parties,
 cannot agree thereon, shall be ascertained in the manner
 hereinafter prescribed, as to the compensation for lands over
 which the said road may be laid.

SECTION 14. It shall and may be lawful for the company Additional ;
 hereby incorporated, to make, erect and establish a single or powers.
 double track railroad, on the route laid out as aforesaid, and
 they are also hereby empowered to make and establish all
 works, edifices and devices to such railroad, as may by the
 said company be deemed expedient for the purposes of car-
 rying into effect the objects of their incorporation; and also,
 to contract and agree with the owner or owners for the pur-
 chase of any lands or tenements which may be necessary for
 the purpose of erecting the said railroad.

SECTION 15 Whenever it shall be necessary for the presi- Viewers of
 dent, managers and company of the said railroad company, damages,
 to enter in and upon, and occupy, for the purpose of making
 said railroad, any land upon which the same may be located,
 and if the owner or owners of the said lands shall refuse to
 permit such entry and occupation, and the parties cannot
 agree upon the compensation to be made for any injury, or
 supposed injury, that may be done to such land by such
 entry and occupation, it shall and may be lawful for the
 parties to appoint six disinterested persons to estimate such
 damage, who shall, under oath or affirmation, fairly and im-
 partially to estimate the same, and shall reside within the
 proper county where the land lies, and the expenses incurred

Appeal.

Tender.

Not to ob-
struct public
roads.

by the said appraisers, shall be defrayed by the said railroad company; but if the parties cannot agree upon such persons, or if the persons so chosen shall not decide upon the matter, or if the owner or owners of such land shall refuse or neglect to join in such appointment, within twenty days after requisition for that purpose made, or if such owner be feme covert, under age, non compos mentis, or out of the state, then it shall be lawful for the court of Common Pleas of the county in which the land lies, on application of either party, and at the cost and charges of the said corporation, to appoint six disinterested persons of said county to view, examine and survey the said lands, tenements or hereditaments, and estimate the injury or damage, if any, in their opinion, will be sustained as aforesaid, by reason of said railroad, and report the same, under their oaths or affirmations, to the said court, which report being confirmed by said court, judgment shall be entered thereon, and the said viewers shall be entitled to the like fees for their services as are allowed by law to reviewers of public roads and highways, to be paid by the said company. and it shall be the duty of the appraisers in estimating such injury or damage, to take into consideration the advantage that will be derived to the owner or owners of the said lands from the said railroad: *Provided*, That either party may appeal to said court, within thirty days after such report may have been filed in the prothonotary's office of the proper county, in the same manner as appeals are allowed in other cases; and upon the coming in of such report or inquisition, and the confirmation thereof, or upon final judgment on appeal therefrom, and the said company paying to such owner the sums in such report or judgment specified, in full compensation for said lands, or for the injury sustained as aforesaid, the said company shall become seized of the same estate in the said lands, which the owner held in the same, and they, and all who act under them, shall be acquitted and freed from all responsibility for and on account of such injury: *Provided*, That on payment, or tender of payment, by the said company, of the sum specified in the report of said viewers or appraisers, to the owner of said land, the said president and managers, their agents or contractors for making or repairing the said road, may immediately take and use the same, without awaiting the issue of proceeding, as hereinbefore prescribed.

SECTION 16. The said railroad shall be so constructed by the said company, as not to obstruct or impede the free use and passage of any public road or roads which may cross or enter at the same, being now laid out or hereafter to be laid out, and in all places where the said railroad may cross, or in any way interfere with any public road, it shall be the duty of the said company to make, or cause to be made, a sufficient causeway or causeways, to enable all persons pass-

ing or traveling such public road, to cross and pass over the said railroad, which causeway or causeways shall be made and maintained by the said company, and the sufficiency of the same shall be judged of by the supervisors of the proper township, at the expense of the said company; and if the said company shall neglect or refuse to make such causeway or causeways, or when made to keep the same in good repair, they shall be liable to pay a penalty of five dollars for every day the same shall be so neglected or refused to be made and repaired, to be recovered by the supervisor of the township, with costs, for the use of the township, as debts of like amount are by law recoverable, and shall moreover, be liable to an action or actions, at the suit of any person who may be aggrieved thereby, and the service of process upon any officer or agent of said company, shall be as good and available in law as if served upon the president thereof. **Penalty.**

SECTION 17. For the accommodation of all persons own-Private ing or possessing land through which the said railroad may crossings, or shall pass, and to prevent inconvenience to such persons in crossing and passing over the same, it shall be the duty of the said company, when required, to make, or cause to be made, a good and sufficient causeway or causeways, whenever the same may be necessary, to enable the occupant or occupants of said lands to cross or pass over the same with wagons, carts and implements of husbandry, as occasion may require: *Provided*, That the said company shall in no case be required to make, or cause to be made, more than one such causeway through each plantation or lot of land, for the accommodation of any one person owning or possessing land through which the railroad may or shall pass; and the said causeway, when so made, shall be maintained and kept in repair by the said company; and if the said company shall refuse or neglect to make such causeway or causeways, or when made to keep the same in good repair, the said company shall be liable to pay any person aggrieved thereby, all the damages sustained by such person in consequence of such refusal or neglect, to be sued for and recovered before any magistrate, or any court having cognizance thereof, and the service of process upon any officer or agent of said company, shall be as good and available in law as if served upon the president thereof: *Provided*, That this act shall not be so construed as to prevent owners of lands through whose property the said railroad passes, from constructing a causeway or crossing place over said railroad, but the same to be such as are usually made by the said company.

SECTION 18. No suit or action shall be brought or prose-Limitations cuted by any person or persons, for any penalties incurred of suits. under this act, unless such suit or action shall be commenced within six months next after the offence shall have been committed, or the cause of action shall have accrued,

and the defendant or defendants in such suit or action may plead the general issue, and give this act and the special matter in evidence, and that the same was done in pursuance and by authority of this act.

To be a public highway.

SECTION 19. On the completion of the said railroad or any portion of one track, not less than ten miles, the same shall be esteemed a public highway, for the conveyance of passengers, merchandise and commodities, under such regulations as shall be prescribed by the managers, and it shall and may be lawful for the said company to demand and receive such sum or sums of money for tolls, of persons and property, as they shall from time to time think proper and reasonable:

Rates of toll.

Provided, The rates of toll on any species of property shall not exceed the following, that is to say: on each ton of produce, minerals, or other commodities not herein enumerated, two cents per mile; for boards, plank, scantling, or other sawed stuff reduced to inch measure, two cents per thousand feet; and for shingles, one cent on each one thousand thereof; and all fractions not less than half a ton, one cent each; on all passengers, excepting only such as are necessarily engaged in conducting the cars, one cent each per mile; but no person or persons shall ride, lead, drive or pass along said railway any horse or horses, cattle or any animal of what kind soever, nor place any car or other carriage thereon, without a permit or license first had and obtained from said company, subject to such rules and regulations and shall from time to time be established by the said company, to govern the use of said railroad; and it shall be lawful for the president and managers of the company to prescribe the kind of carriages, wagons and conveyances which shall be used on the said railroad, for the transportation of persons and commodities, and to adopt such regulations as to the transit of wagons and carriages or the said road, as may seem to them most conducive to the interests of the public and of persons using the same.

Nonpayment of toll,

SECTION 20. If any owner or driver of any car, carriage, wagon or conveyance, upon the said railroad, shall pass by any place appointed for the receiving tolls, without making payment thereof, with intent to defraud the said company, he, she or they so offending, shall forfeit and pay for every such offence, for the use of said company, the sum of twenty dollars, to be sued for and recovered by action of debt, before any justice of the peace, in like manner, and subject to the same rules and regulations, as debts under one hundred dollars may be sued for and recovered, together with costs of suit.

Injury to road.

SECTION 21. If any person or persons shall wilfully and knowingly break, injure or destroy the railroad, or any part thereof, or any work, edifice, and device, or any part thereof, to be erected by the said company in pursuance of this act, he, she or they, shall forfeit and pay to the said

company the actual damages so sustained, to be sued for and recovered, with costs of suit, in any court having cognizance thereof, by action of debt, in the name and for the use of the said company, and shall be subject to indictment in the court of Quarter Sessions of the proper county, and upon conviction of such offence, shall be punished by fine and imprisonment, at the discretion of the court.

SECTION 22. If the said corporation shall not carry into effect the objects of this charter within the time of ten years from the passing of this act, or if after the completion of the said railroad the said corporation shall suffer the same to go to decay, and be impassable for the term of two years, then this charter shall become null and void, except so far as compels said company to make reparation for damages.

SECTION 23. If an increase of the capital stock be deemed necessary by the stockholders to complete the said railroad, it may be lawful for the said president, managers and company, at a stated or special meeting convened for the purpose, to increase the number of shares, so that the capital of said company shall not exceed one million of dollars, and to receive and demand the money for shares so subscribed, in like manner, and under like penalties, as are hereinbefore provided for the original subscription, or as shall be provided for by their by-laws.

SECTION 24. If said company shall at any time misuse or abuse any of the privileges hereby granted, the legislature may resume all and singular, the rights and privileges hereby granted to said company; the legislature also reserves the right to purchase the right of said company and the railroad, with the appurtenances, at any time after thirty years from the passage of this act, by paying to said company a sum of money which, together with the tolls received, shall equal the costs and expenses of said railroad, with an interest of eight per centum per annum thereon.

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The thirty-first day of March, A. D., eighteen-hundred and thirty-six.

JOS: RITNER.

No. 88.

An Act

To incorporate the Marshall College at Mercersburg, and to incorporate the Haddington College in the county of Philadelphia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the high school of the German Reformed church, located at Mercersburg, in the county of Franklin, be and hereby is erected into a college, for the education of youth in the learned languages, the arts, sciences and useful literature.

German Reformed church erected into a college.

SECTION 2. In testimony of respect for the exalted character, great worth, and high mental attainments of the late John Marshall, Chief Justice of the United States, the said college shall hereafter be called and known by the name of the "Marshall College, at Mercersburg."

To be called "Marshall College."

Direction.

SECTION 3. The said college shall be under the management, direction and government of a number of trustees, not exceeding forty-five, or a quorum or a board thereof, as hereinafter mentioned.

Names of trustees.

SECTION 4. The trustees of said college shall consist of the following persons, to wit: William M'Kinstry, Daniel Shaler, P. W. Littel, William Metcalf, Elliott T. Lane, Adam Hoke, George Chambers, Alexander Thompson, Thomas H. Crawford, Henry L. Rice, Barnard Wolff, William Heyser, Frederick Smith, Jacob Snider, Henry Snevely, Jacob Hade, George Besore, David Fullerton of Franklin, George Denig and Peter Schell of Bedford, N. P. Hacke of Westmoreland, David Middlecauf of Adams, Thomas Chambers of Franklin, William Heister and Charles F. Hoffmeyer of Lancaster, David Krause and Isaac Gerhardt of Dauphin, John W. Gloninger of Lebanon, John E. Hoffman, Berks, James Potter, Centre, Theodore L. Hoffditz and Peter Snyder, Northampton, Samuel Helfenstein, sen., George Wolf, Joseph Ritner, George Troutman, Pennsylvania. Gideon Bantz, Henry Schley, John J. Myers, George Decker, Daniel Huyett, William A. Good, David Schnebly, of Maryland, John Jacob Astor and Dietrich Willers, New York, which said trustees and their successors, to be elected as hereinafter mentioned, shall be, and they are hereby erected, established, and declared to be a body politic and corporate, and with all the incidents of a corporation, in deed and in law, to all intents and purposes whatsoever, by the name, style and title of "The trustees of the Marshall college, at Mercersburg."

Incorporated.

by which name and title, the said trustees and their successors To hold prop-
 erty shall be able and capable at law and in equity, to take any
 to themselves and their successors, for the use of said col-
 lege, any estate in any messuages, lands, tenements, here-
 ditaments, goods, chattels, monies or other effects, by gift,
 grant, bargain, sale, conveyance, assurance, will, devise, or
 bequest, of any person or persons whatsoever. The same
 The same do not exceed in the whole the yearly value of five
 thousand dollars, and the same messuages, lands, tenements,
 hereditaments and estates, real and personal, may be bought,
 gain, sell, convey, assure, demise, lease, let, and
 place out on interest, or otherwise dispose of or invest for
 the use of the said college, in such manner as to them, or at
 least a quorum of them, shall seem good and profitable to the
 institution: and to receive the rents, issues, profits, and
 income and interest of the same, and to apply the same to
 the proper use of the said college, and to sue, defend, compromise,
 sue, commence, prosecute and defend, in any court of law or
 impeaded, in any courts of law or equity, in any manner
 of suits and actions whatsoever, and to do and transact all
 the same name, to do and transact all such business as
 touching or concerning the premises, and to do and transact all
 dentally necessary thereto, as fully, as if they were a
 natural person, or body politic or corporate, and to
 manage their own concerns, and to do and transact all
 all such powers, authorities and jurisdictions, as are usual
 tomary in other colleges within the said State.

SECTION 5. The said trustees shall have, and shall use, one common seal, with such inscription as they shall think proper, and
 tions thereon as they shall think proper, and which all deeds, diplomas, certificates, and other instruments of the said
 corporation, shall pass and be authenticated by the seal at their pleasure to break and use, and to use one.

SECTION 6. There shall be a meeting of the said trustees, or a quorum of them, once in every year at least, at which meeting due and timely notice shall be given to a quorum attend at such meeting, and the power to adjourn to another meeting of the said trustees shall meet at any other time of adjournment, and the said trustees, shall be a board, or their votes shall be sufficient for the management and concerns of the said college, by this act, and particularly of the said trustees in the place and stead of the said college, of agreeing with

stipends, and removing them for misconduct, breaches of the ordinances of the institution, or other cause which shall be deemed sufficient, of appointing committees of their own body to carry into execution all and every the resolutions of the board, of appointing a president, secretary, treasurer and other officers, whom they may find necessary for managing the corporation, of providing for the punishment of all violations of the rules, regulations, or ordinances of the college, or other misconduct committed by the students or other persons thereat, and generally, at any annual, adjourned, or extra meeting, shall determine all matters and things (although the same are not herein particularly mentioned) which shall occasionally arise, and be incidentally necessary to be determined by said trustees: *Provided*, That no ordinance or regulation shall be of any force, which is repugnant to the constitution and laws of the United States or of this commonwealth.

- Faculty, how composed.** SECTION 7. That the principal and professors of said college, or a majority of them for the time being, shall constitute the faculty of the college, which faculty shall have the
- Their powers.** power of enforcing the rules and regulations adopted by the trustees for the government of the students, and to grant and confirm, by the order and direction of a quorum of the board of trustees, such degrees in the liberal arts, sciences, or such branches thereof, to such students of the college, and others, who by their proficiency in learning, or other distinction, they think shall be entitled to them, as have been usually granted in other colleges or universities, or which the said trustees, or a quorum thereof, shall think right and proper, and to grant to such graduates, diplomas or certificates, under their common seal, to authenticate and perpetuate the memory of such graduation.
- Degrees.**
- To be open to all religious denominations.** SECTION 8. Persons of every religious denomination shall be capable of being elected trustees, nor shall any person, either as principal, professor, tutor or pupil, be refused admittance into said college, or denied any of the privileges, immunities or advantages thereof, for, or on account of his sentiments in matters of religion.
- Misnomer not to defeat grants, etc.** SECTION 9. No misnomer of the said corporation shall defeat or annul any gift, grant, devise or bequest, to or from said corporation: *Provided*, The intent of the parties shall sufficiently appear upon the face of the gift, grant, will, other writing, whereby any estate or interest was intended to pass to or from said corporation.
- German professorship.** SECTION 10. In addition to the customary professorships in other colleges, there shall be in this institution a German professorship.
- Legislative power to revoke.** SECTION 11. The legislature reserves the right to revoke, alter or annul the charter hereby granted, at any time they may think proper.

SECTION 12. That there shall be, and hereby is established in the county of Philadelphia, a college for the purpose of educating youth in the English, learned and foreign languages, the liberal arts, sciences and literature, the style and title of which shall be "The Haddington College, in the county of Philadelphia." Haddington college established.

SECTION 13. Until the Thursday after the first Tuesday of October, eighteen hundred and thirty-six, the following persons, viz: Joseph Mathias, James M. Linnard, Joseph Taylor, Horatio G. Jones, Joseph S. Walker, John B. Trevor, Israel E. James, Franklin Lee, James J. Woolsey, George M'Leod, John Jones, Samuel Huggins, Silas W. Sexton, John S. Jenkins, T. T. Smiley, Abraham D. Gillet, Joseph H. Kennard, Bethel Moore, Edward Siter, Josiah Randal, and Samuel Davis, shall be the trustees of the Haddington college, and their successors, to be elected as hereinafter directed, shall be, and hereby are declared to be, one body corporate and politic, by the name, style and title of the Trustees of Haddington college; and by the same name shall have perpetual succession, and shall be able to sue and be sued, plead and be impleaded, in all courts of record and elsewhere, and shall be competent and capable in law and in equity to take and hold, to them and their successors, for the use of said college, lands, tenements, hereditaments, monies, goods and chattles, of what kind, nature or quality soever, by gift, grant, bargain, sale, assurance, will, devise or bequest, from any person or persons whomsoever, capable of making the same: *Provided*, The same do not exceed the yearly value of fifteen thousand dollars; and the same from time to time to grant, bargain, sell, devise, alter, lease, or dispose of, for the use of said college, and to erect such buildings as may be necessary, and generally to do all and singular, the matters and things which shall be lawful for them to do, for the well being of the said college, and the due management and ordering the affairs thereof. Present trustees and their successors incorporated. General powers. Proviso as to property.

SECTION 14. The said trustees shall have full power and authority to make and use one common seal, and the same seal to alter at their pleasure. Common seal.

SECTION 15. The said trustees shall hold their first meeting at the college, in Haddington, on the first Monday of May next after the passing of this act, at three o'clock in the afternoon; five of them shall constitute a quorum, who shall have the power of transacting the business of the college particular, of making by-laws and ordinances for the government thereof, of electing trustees in the room of those who may be removed by death, resignation or otherwise, electing and appointing the president, professors and tutors of the Meeting of trustees. To make by-laws, appoint officer etc.

provis^o said college, or agreeing with them for their salaries and stipends, and removing them for breach of the laws; or for impropriety of appointing committees of their own body, to carry into effect all and every the resolutions of the board, and of appointing a president, secretary, treasurer, and whatever officers may be thought necessary for managing the concerns of the corporation: *Provided always*, That no ordinance or law shall be of force, which shall be repugnant to this charter, or contrary to the laws of the United States or of this state.

Election of trustees. Section 16. The first election for trustees to said college, shall be held on the Thursday after the first Tuesday of March next, at the year of our Lord, one thousand eight hundred and thirty six, at eleven o'clock in the forenoon, and shall continue open two hours: the persons entitled to vote, shall be the contributors to said college; the amount of contribution, and the qualifications entitling to a vote, to be determined on by the board at their first meeting under this charter: *Provided*, That if the annual election shall not be held on the said day, it shall and may be lawful on any other day or days as may be, to hold an election of said trustees, and the same as may be directed by the by-laws of the corporation.

Faculty of college, president, professors, etc. Section 17. The head or chief master of said college, shall be styled and be called the president: and the masters thereof shall be called professors and tutors, but neither president, professors or tutors, while they remain such, shall ever be capable of the office of trustee.

Size of college, and its powers. Section 18. The president, professors and tutors, or a majority of them, shall be called the faculty of the college. The faculty shall have power of enforcing the rules and regulations adopted by the trustees for the government of the college, punishing or censuring them, and finally by suspending or expelling them after repeated admonitions shall be made and refused, and refractory, until a determination by the trustees can be had.

Regulations of the college. Section 19. The faculty, by and with the approbation of a majority of the trustees, signified by their mandamus, shall have full power to grant such degrees in the liberal arts and sciences to the pupils of the institution, or others, who by their proficiency in learning, or other meritorious distinction, may shall be entitled to them, as are usually granted and conferred in colleges, and to grant to such graduates diplomas, or certificates under their common seal, and signed by the faculty, to authenticate and perpetuate such graduation.

Section 20. The legislature reserves the right to revoke,

alter or amend the charter hereby granted, at any time they may think proper. Legislative power to revoke.

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The thirty-first day of March, Anno Domini, one thousand eight hundred and thirty-six.

JOS: RITNER.

No. 89.

An Act

Supplementary to "An act relating to county rates and levies, and township rates and levies," passed the fifteenth day of April, one thousand eight hundred and thirty-four.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That it shall be the duty of the commissioners of the county of Philadelphia, immediately after the passage of this act, and within thirty days after the general election in each and every year thereafter, in each of the two years succeeding the triennial assessment, hereafter to issue their precept to the assessors of the respective townships, wards and districts within the said county, requiring them to make out and return, within sixty days thereafter, a just and perfect list, in such form as the commissioners shall direct, of the names of all the taxable persons residing within the said townships, wards and districts, respectively, and of all property taxable by law, together with a just valuation of the same, to be made in the manner provided for in the act to which this act is a supplement: *Provided also,* That if the said commissioners shall have issued their precept to the said assessors before the passage of this act, requiring them to perform the duties enjoined by the eleventh section of the act to which this is supplementary, the time required for the performance of said duties shall be extended to the first Monday in March next, and the returns

When lists of taxables and property to be made.
Time of return extended this year.

of said assessors made before that day, shall be as valid as if the same had been made within thirty days from the date of such precept.

Compensation of assessors.

SECTION 2. For every day on which the said assessors shall respectively be engaged in making the said assessment and returns, they shall be entitled to receive as a compensation for their services, one dollar and seventy-five cents.

Former acts repealed.

SECTION 3. So much of the act to which this is a supplement, and of all other acts relating to county rates and levies in the county of Philadelphia, shall be null and void, so far as the same shall be inconsistent with, or is supplied by this act.

Limited to Philadelphia.

SECTION 4. No part of this act shall in anywise affect or impair the provisions of any other act heretofore passed, excepting, as aforesaid, in the county of Philadelphia.

Defaulting collectors not to be re-appointed.

SECTION 5. No person shall be appointed collector of county rates and levies within the city and county of Philadelphia, who shall not have paid over the whole amount of his former duplicates; and so much of the act to which this is a supplement, and of the act passed the twenty-eighth of February, eighteen hundred and thirty-five, entitled "A supplement to the act relating to county rates and levies, and to the act relating to counties and townships, and county and township officers," as is inconsistent with the provision of this section, is hereby repealed.

Commissioners, to perform certain acts, appointed.

SECTION 6. That John M. Ogden, Frederick Vogel, and Thomas Roach, shall be commissioners to exercise and carry into effect all the authority conferred on certain commissioners named in the fifteenth section of an act passed the third day of May, eighteen hundred and thirty-two, to continue the surveys of the districts of Spring Garden, Northern Liberties and Kensington, northwardly, to the extent of the limits of unincorporated Penn township, and unincorporated Northern Liberties, who shall serve without any compensation; and all persons in possession of any papers, drafts, surveys, or other statements, relative to the surveys heretofore made, under said act, or under the eleventh section of an act passed the tenth day of April, eighteen hundred and thirty-four, shall deliver over the same to said above named commissioners, or to the surveyors by them to be appointed, to enable them to carry on and complete the said surveys.

Defaulting tax payers.

SECTION 7. That it shall be the duty of the collectors of taxes within the city and county of Philadelphia, to return to the treasurer of said county the names of all persons who shall not have paid their taxes within said city and county, or before the first day of September in each and every year hereafter, and upon the return of said delinquents, the county treasurer shall issue a notice to said delinquents, stating that unless the said taxes standing charged against

them are paid on or before the first day of December, that suit will be instituted for the same.

SECTION 8. And the treasurer of the said county is hereby *To be sued.* authorized to institute writs, agreeable to the above provision, in the name of the county, before any alderman or justice of the peace, or sheriff, as the case may be, and upon recovery of the same, the treasurer shall be allowed the same commission as the collectors would have received.

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The thirty-first day of March, A. D., eighteen hundred and thirty-six.

JOS : RITNER.

No. 90.

An Act

For the relief of Thomas Russel, and other soldiers and widows of soldiers of the revolutionary war, and an act supplementary to an act regulating tin and clock pedlars.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the State Treasurer is hereby authorized and required to pay Thomas Russel of Venango T. Russell, county, James Black of Dauphin county, George Swager of and others. Beaver county, Frederick Glaze of Berks county, Catharine Organ of Westmoreland county, Christina Lebold and Elizabeth Feather of Montgomery county, soldiers and widows of soldiers of the revolutionary war, or to their respective heirs, forty dollars to each immediately, as a gratuity, and an annuity of forty dollars to each during life, payable half yearly, to commence on the first day January, one thousand eight hundred and thirty-six.

SECTION 2. The State Treasurer be and is hereby authorized R. Criswell, and required to pay to Robert Criswell of York county, and others.

and the defendant or defendants in such suit or action may plead the general issue, and give this act and the special matter in evidence, and that the same was done in pursuance and by authority of this act.

To be a public highway.

SECTION 19. On the completion of the said railroad or any portion of one track, not less than ten miles, the same shall be esteemed a public highway, for the conveyance of passengers, merchandise and commodities, under such regulations as shall be prescribed by the managers, and it shall and may be lawful for the said company to demand and receive such sum or sums of money for tolls, of persons and property, as they shall from time to time think proper and reasonable:

Rates of toll.

Provided, The rates of toll on any species of property shall not exceed the following, that is to say: on each ton of produce, minerals, or other commodities not herein enumerated, two cents per mile; for boards, plank, scantling, or other sawed stuff reduced to inch measure, two cents per thousand feet; and for shingles, one cent on each one thousand thereof; and all fractions not less than half a ton, one cent each; on all passengers, excepting only such as are necessarily engaged in conducting the cars, one cent each per mile; but no person or persons shall ride, lead, drive or pass along said railway any horse or horses, cattle or any animal of what kind soever, nor place any car or other carriage thereon, without a permit or license first had and obtained from said company, subject to such rules and regulations and shall from time to time be established by the said company, to govern the use of said railroad; and it shall be lawful for the president and managers of the company to prescribe the kind of carriages, wagons and conveyances which shall be used on the said railroad, for the transportation of persons and commodities, and to adopt such regulations as to the transit of wagons and carriages or the said road, as may seem to them most conducive to the interests of the public and of persons using the same.

Nonpayment of toll,

SECTION 20. If any owner or driver of any car, carriage, wagon or conveyance, upon the said railroad, shall pass by any place appointed for the receiving tolls, without making payment thereof, with intent to defraud the said company, he, she or they so offending, shall forfeit and pay for every such offence, for the use of said company, the sum of twenty dollars, to be sued for and recovered by action of debt, before any justice of the peace, in like manner, and subject to the same rules and regulations, as debts under one hundred dollars may be sued for and recovered, together with costs of suit.

Injury to road.

SECTION 21. If any person or persons shall wilfully and knowingly break, injure or destroy the railroad, or any part thereof, or any work, edifice, and device, or any part thereof, to be erected by the said company in pursuance of this act, he, she or they, shall forfeit and pay to the said

company the actual damages so sustained, to be sued for and recovered, with costs of suit, in any court having cognizance thereof, by action of debt, in the name and for the use of the said company, and shall be subject to indictment in the court of Quarter Sessions of the proper county, and upon conviction of such offence, shall be punished by fine and imprisonment, at the discretion of the court.

SECTION 22. If the said corporation shall not carry into effect the objects of this charter within the time of ten years to be commenced, &c. from the passing of this act, or if after the completion of the said railroad the said corporation shall suffer the same to go to decay, and be impassable for the term of two years, then this charter shall become null and void, except so far as compels said company to make reparation for damages.

SECTION 23. If an increase of the capital stock be deemed necessary by the stockholders to complete the said railroad, it may be lawful for the said president, managers and company, at a stated or special meeting convened for the purpose, to increase the number of shares, so that the capital of said company shall not exceed one million of dollars, and to receive and demand the money for shares so subscribed, in like manner, and under like penalties, as are hereinbefore provided for the original subscription, or as shall be provided for by their by-laws.

SECTION 24. If said company shall at any time misuse or abuse any of the privileges hereby granted, the legislature may resume all and singular, the rights and privileges hereby granted to said company; the legislature also reserves the right to purchase the right of said company and the railroad, with the appurtenances, at any time after thirty years from the passage of this act, by paying to said company a sum of money which, together with the tolls received, shall equal the costs and expenses of said railroad, with an interest of eight per centum per annum thereon.

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The thirty-first day of March, A. D., eighteen-hundred and thirty-six.

JOS: RITNER.

Number of shares.	or until the books shall have been subscribed therein sixteen thousand shares, and the said commissioners may adjourn from time to time, and transfer the books from place to place, until the whole number of shares aforesaid shall be subscribed, of which adjournment and transfer, the said commissioners shall give such notice as the case may require: <i>Provided always</i> , That every person offering to subscribe in said books, in his own or any other name, shall previously pay to the attending commissioner or commissioners, the sum of five dollars for every share to be subscribed, and no subscription shall be valid, unless the person so subscribing shall pay the said sum of five dollars, so as aforesaid: <i>Provided</i> , That on the first day that the books shall be so opened, no person, in his own name or in the name of another, for his use, shall be permitted to subscribe for more than twenty shares of said stock.
1st instalment.	
When letters patent to issue.	SECTION 2. Whenever one thousand shares shall have been bona fide subscribed, by at least twenty persons, and five dollars shall have been paid on each share as aforesaid, the said commissioners, or a majority of them, shall certify the same, under oath or affirmation, to the Governor of this commonwealth, whereupon the Governor shall, by letters patent, under his hand and the seal of the commonwealth, create and erect the subscribers, and if the subscription be not full at the time, then also those who shall thereafter subscribe to the number of shares as aforesaid, into a body politic and corporate, in deed and in law, by the name, style and title of "The Willardsburg and Jersey Shore railroad company," and by the same name the subscribers shall have perpetual succession, and be able to sue and be sued, implead and be impleaded, in all courts of record and elsewhere, and to purchase, have, receive, hold and enjoy, to them and their successors, such lands, tenements, and hereditaments, and such personal estate as shall be necessary to them in the prosecution of their works, and also to make and have a common seal, and the same to alter or renew at pleasure, and also to ordain, establish and put in execution such by-laws, ordinances and regulations, as shall appear necessary and convenient for the government of the said corporation, not being contrary to the constitution and laws of the United States or of this commonwealth, and generally to do all and singular, the matters and things which to them it shall lawfully appertain to do for the well being of the said corporation, and the due management and ordering the affairs of the same: <i>Provided</i> , That nothing herein contained shall be considered as in any way giving to the said corporation any banking privileges whatever, or any other liberties, privileges or franchises, but such as may be necessary or incident to the making or maintaining of the said railroad.
General powers.	
No banking privileges.	
How to organize.	SECTION 3. The said named commissioners, or any five of them, shall, as soon as conveniently may be after the

said letters patent shall be obtained, give at least thirty days previous notice in the newspapers hereinbefore mentioned, of the time and place by them appointed for the subscribers to meet, in order to organize the said company, and to choose by a majority of votes of the said subscribers, by ballot, to be given in person or proxy, which proxy shall have been obtained and bear date within three months previously to the election at which such proxy shall be presented, duly authorized, one president and ten managers, who shall be residents of this commonwealth, a treasurer and secretary or secretaries, and such other officers as shall be deemed necessary; that the president and managers shall conduct the business of said company until the first Monday of January then next, and until like officers shall be chosen, and may make such by-laws, rules, orders and regulations, as are not inconsistent with the constitution and laws of the United States or of this state, and that may be necessary for the well governing the affairs of the company.

SECTION 4. The stockholders shall meet on the first Mon- Annual elec-
day of January in every year, at such place as may be fixed tions.
upon by the by-laws, of which notice shall be given at least
thirty days, by the secretary, in the newspapers before men-
tioned, and choose, by a majority of votes present, their
officers, as mentioned in the third section of this act, who
shall continue in office for one year, and until others are
chosen, and at such other times as they may be summoned
by the managers, in such manner and form as shall be pre-
scribed by the by-laws, at which annual or special meetings,
they shall have full power and authority to make, alter or
repeal, by a majority of the votes, in manner aforesaid, all such
by-laws, rules, orders and regulations, as aforesaid, and to
do and perform every other corporate act; and the number Right of
of votes to which each stockholder shall be entitled, shall be voting.
according to the number of shares he or she shall hold, in
the following proportions, that is to say: for each share not
exceeding two shares, one vote; for every two shares above
two and not exceeding ten shares, one vote; for every four
shares above ten and not exceeding thirty, one vote; for
every ten shares above thirty and not exceeding one hundred,
one vote; but no share or number of shares above one hund-
red, shall confer any additional right of voting, and no
share shall confer a right of suffrage, which shall not have
been holden three calendar months prior to the election, nor
unless it be holden by the person in whose name it appears,
absolutely and bona fide, in his or her own right, or in that
of his wife, or for his or her sole use and benefit, or as
executor or administrator, trustee or guardian, or in the right
and for the use and benefit of some copartnership, corpora-
tion, or society, of which he or she may be a member, and
not in trust for and to the use and benefit of any other per-

son: *Provided*, That no shares held by transfer shall be entitled to vote, unless the same shall have been transferred at least three months before the election, and all votes by proxy shall be on such terms and conditions as are prescribed by the act passed on the twenty-eighth day of March, in the year one thousand eight hundred and twenty, entitled "An act to regulate proxies."

Manner of election.

SECTION 5. The election of officers provided for in the fourth section of the act, shall be conducted in the following manner, that is to say: the managers for the time being, shall appoint two of the stockholders not being managers, to be judges of the said election, and to conduct the same, after having severally taken and subscribed an oath or affirmation, before an alderman or justice of the peace, well and truly and according to law to conduct such election, and the said judges shall decide on the qualifications of the voters. and when the election is closed, shall count the votes and declare who is elected; and if it shall at any time happen that an election of president, managers, treasurer or other officer, shall not be made, the corporation shall not for that cause be deemed to be dissolved, but it shall be lawful to hold and make such election of president, managers, treasurer or other officer, on the same day, or on any other day thereafter, by giving at least thirty days notice, signed by the president or secretary, in the newspapers before mentioned, of the time and place of holding said election, and the president, managers and treasurer, and other officers of the preceding year, shall in that case continue to act, and be invested with all the powers belonging to their respective situations, until an election shall take place; and in the case of death or resignation, or removal from the state of any president, manager, treasurer, or other officer, the place shall be filled by the board of managers, until the next annual election.

Quorum of directors to act.

SECTION 6. The said president and managers shall meet at such times and places as shall be found most convenient for the transacting of their business, and when met, six shall be a quorum, who, in the absence of the president may choose a chairman, and shall keep minutes of their transactions, fairly entered in a book, and a quorum being formed, they shall have full authority to appoint all such surveyors, engineers, superintendents, other artists and officers as they shall deem necessary to carry on the intended work, and to fix their salaries and wages, to ascertain the times, manner and proportion in which said stockholders shall pay the moneys due on their respective shares, to draw orders on the treasurer for the same, which shall be signed by the president, or in his absence by a majority of the managers present, and countersigned by the secretary, and generally to do all such other acts, matters and things, as by this

Powers.

act and by the by-laws and regulations of this company, they are authorized to do.

SECTION 7. The president and managers first chosen, shall Certificates procure certificates or evidence of stock for all the shares of of stock. the said company, and shall deliver one such certificate, signed by the president and countersigned by the treasurer, and sealed with the common seal of the said corporation, to each person for every such share or shares by him subscribed and held, which certificate or evidence of stock shall be transferrable at his pleasure, in person or by attorney, (duly authorized,) subject however, to all payments due or to become due thereon, and the assignee holding any certificate, having first caused the assignment to be entered in a book of the company, to be kept for the transfer of stock, shall be a member of the said corporation, and for every certificate assigned to him as aforesaid, shall be entitled to a share or shares, as is therein mentioned, of the capital stock. and of all the estates and emoluments of the company incident to such share or shares, and to vote as aforesaid at the meetings thereof, and subject to all penalties and forfeitures, and of being sued for all the balances and penalty due or to become due on each share, as the original subscriber would have been.

SECTION 8. If after thirty days notice in the public papers aforesaid, of the time and place appointed for the payment of Forfeiture of any proportion or instalment of the said capital stock, in stock. order to carry on the work, any stockholder shall neglect to pay each proportion or instalment at the place appointed, for the space of thirty days after the time so appointed, each and every share of said stock on which such stockholder has so neglected to pay as aforesaid, shall be forfeited to the said company, and may be sold to any person or persons willing to purchase, for such prices as can be obtained for the same, or in default of payment by any stockholder, of any such instalment as aforesaid, the president and managers may at their election, cause suit to be brought before an alderman or justice of the peace, or any court having competent jurisdiction, for the recovery of the same, together with the penalty aforesaid: *Provided*, That no stockholder, whether original subscriber or assignee, shall be entitled to vote at any election, or at any general or special meeting of the said company, or on whose share or shares any instalment or arrearages may be due, and payable more than thirty days previously to the said election or meeting.

SECTION 9. The president and managers of the said com- Treasurer to pany shall demand and require of and from the treasurer, give bond. and all and every other persons by them employed, bond in sufficient penalties, and with such securities as they shall by their rules, orders and regulations, require for the faithful discharge of the several duties and trusts to them or any of them respectively committed.

Dividends.

SECTION 10. Dividends of so much of the profits of the institution as shall appear advisable to the managers, shall be declared twice in every year, and paid to the stockholders on demand, at any time after the expiration of ten days therefrom, but they shall in no case exceed the amount of nett profits actually acquired by the company, so that the capital stock of said company shall never be thereby impaired. and if the said managers shall make any dividend which shall impair the capital stock of said institution, the managers consenting there'o, shall be liable in their individual capacities to said company, for the amount of the stock so divided, and each manager present when such dividend shall be made, shall be adjudged to be consenting thereto, unless he forthwith enter his protest on the minutes of the board. and give public notice to the stockholders at the declaring such dividend : *Provided*, No such dividend shall exceed fifteen per cent. per annum, nor shall the contingent fund of the company at any time exceed one fourth of their capital stock ; that the president and managers of the aforesaid company shall annually, on the first Monday in December, transmit to the Auditor General a full statement of the affairs of the said company, under oath. and shall pay annually into the treasury of the commonwealth, a tax of eight per centum on all dividends which may exceed six per centum on the capital stock actually paid in.

Statement to
Auditor Gen-
eral.

Statement to
the legisla-
ture.

SECTION 11. When actual operations shall have commenced, and at the end of every year thereafter, there shall be furnished to the legislature an abstract of the accounts of the company, showing the whole amount of their capital actually paid into the funds of the company, the sums expended, the tolls and other profits accruing within the year, and the amount of dividends declared in each year, or the losses sustained, as the case may be, which abstract shall be verified by the oath or affirmation of the president of the company for the time being.

SECTION 12, The president, managers and company of the said railroad company, shall have power to survey, lay down, ascertain, mark and fix such route as they shall deem expedient for a double or single railroad, beginning at a point in the Tioga railroad, at or near Willardsburg, in the county of Tioga, thence pursuing the valley of the Crooked creek to the Big Marsh, and thence by Wellsboro', along a branch of the third fork of Pine creek, to its source, near the source of Wilson's creek, and thence by Wilson's creek the second fork of Pine creek, and the Main creek, or by such other route as shall be most passable, to a point on the West Branch canal, at Jersey Shore, in the county of Lycoming, having due regard to the situation and nature of the ground, and of the buildings thereon, the public convenience, and the interest of the stockholders, and so as to do the

Route of road

least damage to private property ; and the said road shall not pass through any burying ground nor place of public worship, nor any dwelling house, without the consent of the owner thereof, nor shall it pass through any out building of the value of ten dollars, without such consent ; and the said president, managers and company shall, within six months after ascertaining the route of the said railroad, cause an accurate survey of the lines of said road to be made, a map or plot of which survey they shall cause to be filed in the prothonotary's office of the counties of Tioga and Lycoming, respectively, which maps or plots, or a certified copy thereof, shall be sufficient evidence of the course of the said road, which may then be opened, and all the expenses incurred thereby shall be defrayed by said company.

SECTION 13. It shall be lawful for the president, managers and company of the said railroad company, and their agents, and all persons employed by or under them for the purposes contemplated in this act, to enter upon any land which they shall deem necessary for laying out said road, and also for the purpose of searching for stone, sand or gravel, or wood, for constructing said road, but no stone, sand, gravel or wood, shall be taken away from any land without the consent of the owner thereof, until compensation for the same be ascertained and paid, which compensation, if the parties cannot agree thereon, shall be ascertained in the manner hereinafter prescribed, as to the compensation for lands over which the said road may be laid.

SECTION 14. It shall and may be lawful for the company hereby incorporated, to make, erect and establish a single or double track railroad, on the route laid out as aforesaid, and they are also hereby empowered to make and establish all works, edifices and devices to such railroad, as may by the said company be deemed expedient for the purposes of carrying into effect the objects of their incorporation; and also, to contract and agree with the owner or owners for the purchase of any lands or tenements which may be necessary for the purpose of erecting the said railroad.

SECTION 15 Whenever it shall be necessary for the president, managers and company of the said railroad company, to enter in and upon, and occupy, for the purpose of making said railroad, any land upon which the same may be located, and if the owner or owners of the said lands shall refuse to permit such entry and occupation, and the parties cannot agree upon the compensation to be made for any injury, or supposed injury, that may be done to such land by such entry and occupation, it shall and may be lawful for the parties to appoint six disinterested persons to estimate such damage, who shall, under oath or affirmation, fairly and impartially to estimate the same, and shall reside within the proper county where the land lies, and the expenses incurred

Appeal.

Tender.

Not to ob-
struct public
roads.

by the said appraisers, shall be defrayed by the said railroad company; but if the parties cannot agree upon such persons, or if the persons so chosen shall not decide upon the matter, or if the owner or owners of such land shall refuse or neglect to join in such appointment, within twenty days after requisition for that purpose made, or if such owner be *feme covert*, under age, *non compos mentis*, or out of the state, then it shall be lawful for the court of Common Pleas of the county in which the land lies, on application of either party, and at the cost and charges of the said corporation, to appoint six disinterested persons of said county to view, examine and survey the said lands, tenements or hereditaments, and estimate the injury or damage, if any, in their opinion, will be sustained as aforesaid, by reason of said railroad, and report the same, under their oaths or affirmations, to the said court, which report being confirmed by said court, judgment shall be entered thereon, and the said viewers shall be entitled to the like fees for their services as are allowed by law to reviewers of public roads and highways, to be paid by the said company. and it shall be the duty of the appraisers in estimating such injury or damage, to take into consideration the advantage that will be derived to the owner or owners of the said lands from the said railroad: *Provided*, That either party may appeal to said court, within thirty days after such report may have been filed in the prothonotary's office of the proper county, in the same manner as appeals are allowed in other cases; and upon the coming in of such report or inquisition, and the confirmation thereof, or upon final judgment on appeal therefrom, and the said company paying to such owner the sums in such report or judgment specified, in full compensation for said lands, or for the injury sustained as aforesaid, the said company shall become seized of the same estate in the said lands, which the owner held in the same, and they, and all who act under them, shall be acquitted and freed from all responsibility for and on account of such injury: *Provided*, That on payment, or tender of payment, by the said company, of the sum specified in the report of said viewers or appraisers, to the owner of said land, the said president and managers, their agents or contractors for making or repairing the said road, may immediately take and use the same, without awaiting the issue of proceeding, as hereinbefore prescribed.

SECTION 16. The said railroad shall be so constructed by the said company, as not to obstruct or impede the free use and passage of any public road or roads which may cross or enter at the same, being now laid out or hereafter to be laid out, and in all places where the said railroad may cross, or in any way interfere with any public road, it shall be the duty of the said company to make, or cause to be made, a sufficient causeway or causeways, to enable all persons pass-

ing or traveling such public road, to cross and pass over the said railroad, which causeway or causeways shall be made and maintained by the said company, and the sufficiency of the same shall be judged of by the supervisors of the proper township, at the expense of the said company; and if the said company shall neglect or refuse to make such causeway or causeways, or when made to keep the same in good repair, they shall be liable to pay a penalty of five dollars for every day the same shall be so neglected or refused to be made and repaired, to be recovered by the supervisor of the township, with costs, for the use of the township, as debts of like amount are by law recoverable, and shall moreover, be liable to an action or actions, at the suit of any person who may be aggrieved thereby, and the service of process upon any officer or agent of said company, shall be as good and available in law as if served upon the president thereof. Penalty.

SECTION 17. For the accommodation of all persons own-Private ing or possessing land through which the said railroad may crossings, or shall pass, and to prevent inconvenience to such persons in crossing and passing over the same, it shall be the duty of the said company, when required, to make, or cause to be made, a good and sufficient causeway or causeways, whenever the same may be necessary, to enable the occupant or occupants of said lands to cross or pass over the same with wagons, carts and implements of husbandry, as occasion may require: *Provided*, That the said company shall in no case be required to make, or cause to be made, more than one such causeway through each plantation or lot of land, for the accommodation of any one person owning or possessing land through which the railroad may or shall pass; and the said causeway, when so made, shall be maintained and kept in repair by the said company; and if the said company shall refuse or neglect to make such causeway or causeways, or when made to keep the same in good repair, the said company shall be liable to pay any person aggrieved thereby, all the damages sustained by such person in consequence of such refusal or neglect, to be sued for and recovered before any magistrate, or any court having cognizance thereof, and the service of process upon any officer or agent of said company, shall be as good and available in law as if served upon the president thereof: *Provided*, That this act shall not be so construed as to prevent owners of lands through whose property the said railroad passes, from constructing a causeway or crossing place over said railroad, but the same to be such as are usually made by the said company.

SECTION 18. No suit or action shall be brought or prose-Limitations cuted by any person or persons, for any penalties incurred of suits. under this act, unless such suit or action shall be commenced within six months next after the offence shall have been committed, or the cause of action shall have accrued,

and the defendant or defendants in such suit or action may plead the general issue, and give this act and the special matter in evidence, and that the same was done in pursuance and by authority of this act.

To be a public highway.

SECTION 19. On the completion of the said railroad or any portion of one track, not less than ten miles, the same shall be esteemed a public highway, for the conveyance of passengers, merchandise and commodities, under such regulations as shall be prescribed by the managers, and it shall and may be lawful for the said company to demand and receive such sum or sums of money for tolls, of persons and property, as they shall from time to time think proper and reasonable:

Rates of toll.

Provided, The rates of toll on any species of property shall not exceed the following, that is to say: on each ton of produce, minerals, or other commodities not herein enumerated, two cents per mile; for boards, plank, scantling, or other sawed stuff reduced to inch measure, two cents per thousand feet; and for shingles, one cent on each one thousand thereof; and all fractions not less than half a ton, one cent each; on all passengers, excepting only such as are necessarily engaged in conducting the cars, one cent each per mile; but no person or persons shall ride, lead, drive or pass along said railway any horse or horses, cattle or any animal of what kind soever, nor place any car or other carriage thereon, without a permit or license first had and obtained from said company, subject to such rules and regulations and shall from time to time be established by the said company, to govern the use of said railroad; and it shall be lawful for the president and managers of the company to prescribe the kind of carriages, wagons and conveyances which shall be used on the said railroad, for the transportation of persons and commodities, and to adopt such regulations as to the transit of wagons and carriages or the said road, as may seem to them most conducive to the interests of the public and of persons using the same.

Nonpayment of toll,

SECTION 20. If any owner or driver of any car, carriage, wagon or conveyance, upon the said railroad, shall pass by any place appointed for the receiving tolls, without making payment thereof, with intent to defraud the said company, he, she or they so offending, shall forfeit and pay for every such offence, for the use of said company, the sum of twenty dollars, to be sued for and recovered by action of debt, before any justice of the peace, in like manner, and subject to the same rules and regulations, as debts under one hundred dollars may be sued for and recovered, together with costs of suit.

Injury to road.

SECTION 21. If any person or persons shall wilfully and knowingly break, injure or destroy the railroad, or any part thereof, or any work, edifice, and device, or any part thereof, to be erected by the said company in pursuance of this act, he, she or they, shall forfeit and pay to the said

company the actual damages so sustained, to be sued for and recovered, with costs of suit, in any court having cognizance thereof, by action of debt, in the name and for the use of the said company, and shall be subject to indictment in the court of Quarter Sessions of the proper county, and upon conviction of such offence, shall be punished by fine and imprisonment, at the discretion of the court.

SECTION 22. If the said corporation shall not carry into effect the objects of this charter within the time of ten years from the passing of this act, or if after the completion of the said railroad the said corporation shall suffer the same to go to decay, and be impassable for the term of two years, then this charter shall become null and void, except so far as compels said company to make reparation for damages.

SECTION 23. If an increase of the capital stock be deemed necessary by the stockholders to complete the said railroad, it may be lawful for the said president, managers and company, at a stated or special meeting convened for the purpose, to increase the number of shares, so that the capital of said company shall not exceed one million of dollars, and to receive and demand the money for shares so subscribed, in like manner, and under like penalties, as are hereinbefore provided for the original subscription, or as shall be provided for by their by-laws.

SECTION 24. If said company shall at any time misuse or abuse any of the privileges hereby granted, the legislature may resume all and singular, the rights and privileges hereby granted to said company; the legislature also reserves the right to purchase the right of said company and the railroad, with the appurtenances, at any time after thirty years from the passage of this act, by paying to said company a sum of money which, together with the tolls received, shall equal the costs and expenses of said railroad, with an interest of eight per centum per annum thereon.

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The thirty-first day of March, A. D., eighteen-hundred and thirty-six.

JOS: RITNER.

No. 88.

An Act

To incorporate the Marshall College at Mercersburg, and to incorporate the Haddington College in the county of Philadelphia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the high school of the German Reformed church, located at Mercersburg, in the county of Franklin, be and hereby is erected into a college, for the education of youth in the learned languages, the arts, sciences and useful literature.

German Reformed church erected into a college.

SECTION 2. In testimony of respect for the exalted character, great worth, and high mental attainments of the late John Marshall, Chief Justice of the United States, the said college shall hereafter be called and known by the name of the "Marshall College, at Mercersburg."

To be called "Marshall College."

Direction.

SECTION 3. The said college shall be under the management, direction and government of a number of trustees, not exceeding forty-five, or a quorum or a board thereof, as hereinafter mentioned.

Names of trustees.

SECTION 4. The trustees of said college shall consist of the following persons, to wit: William McKinsty, Daniel Shafer, P. W. Littel, William Metcalf, Elliott T. Lane, Adam Hoke, George Chambers, Alexander Thompson, Thomas H. Crawford, Henry L. Rice, Barnard Wolff, William Heyser, Frederick Smith, Jacob Snider, Henry Snevely, Jacob Hade, George Besore, David Fullerton of Franklin, George Denig and Peter Schell of Bedford, N. P. Hacke of Westmoreland, David Middlecauf of Adams, Thomas Chambers of Franklin, William Heister and Charles F. Hoffmeyer of Lancaster, David Krause and Isaac Gerhardt of Dauphin, John W. Gloninger of Lebanon, John E. Hoffman. Berks, James Potter, Centre, Theodore L. Hoffditz and Peter Snyder, Northampton. Samuel Helfenstein, sen., George Wolf, Joseph Ritner, George Troutman, Pennsylvania. Gideon Bantz, Henry Schley, John J. Myers, George Decker, Daniel Huyett, William A. Good, David Schnebly, of Maryland, John Jacob Astor and Dietrich Willers, New York, which said trustees and their successors, to be elected as hereinafter mentioned. shall be, and they are hereby erected, established, and declared to be a body politic and corporate, and with all the incidents of a corporation, in deed and in law, to all intents and purposes whatsoever, by the name, style and title of "The trustees of the Marshall college, at Mercersburg,"

Incorporated.

by which name and title, the said trustees and their successors shall be able and capable at law and in equity, to convey, to themselves and their successors, for the use of said college, any estate in any messuages, lands, tenements, hereditaments, goods, chattels, monies or other effects, by gift, grant, bargain, sale, conveyance, assurance, will, devise or bequest, of any person or persons whatsoever. The same do not exceed in the whole the value of one hundred thousand dollars, and the same powers shall extend to the said hereditaments and estates, real and personal, to give, bargain, sell, convey, assure, demise, lease, let, and place out on interest, or otherwise dispose of, in trust for the use of the said college, in such manner as to them, or at least a quorum of them, shall seem good and proper for the institution; and to receive the rents, profits, interest, income and interest of the same, and to apply the same to the proper use of the said college, and to sue, defend, defend, sue, commence, prosecute and defend, in any court of law or equity, in any manner or in any suits and actions whatsoever, and to do and transact all such touching or concerning the premises, as shall be found to be incidentally necessary thereto, as fully and as completely as any natural person, or body politic or corporate, might lawfully manage their own concerns, and to exercise, and to have, and to use all such powers, authorities and jurisdictions, as are usual and customary in other colleges within the State of New York.

SECTION 5. The said trustees shall have a common seal for their use, one common seal, with such inscription as they shall think proper thereon as they shall think proper, and all deeds, diplomas, certificates, and other writings of the said corporation, shall pass and be authenticated by the said seal at their pleasure to break and alter, and to use as they shall see fit.

SECTION 6. There shall be a regular meeting of the said trustees once in every year at least, at New York, or at such other place as the said trustees or a quorum of them shall determine. Notice of every meeting due and timely notice shall be given to all the trustees, and a quorum attend at such meeting, and the same shall have the power to adjourn to another place, and the same shall meet at any other time of adjournment. The majority of the votes of the trustees, shall be a board or council, and the same shall have their votes shall be sufficient for the management of the said college, and by this act, and particularly of the said college, and of the said trustees for the government of the said college, and of the said trustees in the place and stead of the said trustees, and of the said trustees, of electing and appointing the president of the said college, of agreeing with the said president, and of

stipends, and removing them for misconduct, breaches of the ordinances of the institution, or other cause which shall be deemed sufficient, of appointing committees of their own body to carry into execution all and every the resolutions of the board, of appointing a president, secretary, treasurer and other officers, whom they may find necessary for managing the corporation, of providing for the punishment of all violations of the rules, regulations, or ordinances of the college, or other misconduct committed by the students or other persons thereat, and generally, at any annual, adjourned, or extra meeting, shall determine all matters and things (although the same are not herein particularly mentioned) which shall occasionally arise, and be incidentally necessary to be determined by said trustees: *Provided*, That no ordinance or regulation shall be of any force, which is repugnant to the constitution and laws of the United States or of this commonwealth.

Faculty, how composed.

Their powers

Degrees.

To be open to all religious denominations.

Misnomer not to defeat grants, etc.

German professorship.

Legislative power to revoke.

SECTION 7. That the principal and professors of said college, or a majority of them for the time being, shall constitute the faculty of the college, which faculty shall have the power of enforcing the rules and regulations adopted by the trustees for the government of the students, and to grant and confirm, by the order and direction of a quorum of the board of trustees, such degrees in the liberal arts, sciences, or such branches thereof, to such students of the college, and others, who by their proficiency in learning, or other distinction, they think shall be entitled to them, as have been usually granted in other colleges or universities, or which the said trustees, or a quorum thereof, shall think right and proper, and to grant to such graduates, diplomas or certificates, under their common seal, to authenticate and perpetuate the memory of such graduation.

SECTION 8. Persons of every religious denomination shall be capable of being elected trustees, nor shall any person, either as principal, professor, tutor or pupil, be refused admittance into said college, or denied any of the privileges, immunities or advantages thereof, for, or on account of his sentiments in matters of religion.

SECTION 9. No misnomer of the said corporation shall defeat or annul any gift, grant, devise or bequest, to or from said corporation: *Provided*, The intent of the parties shall sufficiently appear upon the face of the gift, grant, will, other writing, whereby any estate or interest was intended to pass to or from said corporation.

SECTION 10. In addition to the customary professorships in other colleges, there shall be in this institution a German professorship.

SECTION 11. The legislature reserves the right to revoke, alter or annul the charter hereby granted, at any time they may think proper.

SECTION 12. That there shall be, and hereby is established in the county of Philadelphia, a college for the purpose of educating youth in the English, learned and foreign languages, the liberal arts, sciences and literature, the style and title of which shall be "The Haddington College, in the county of Philadelphia."

SECTION 13. Until the Thursday after the first Tuesday of October, eighteen hundred and thirty-six, the following persons, viz: Joseph Mathias, James M. Linnard, Joseph Taylor, Horatio G. Jones, Joseph S. Walker, John B. Trevor, Israel E. James, Franklin Lee, James J. Woolsey, George M'Leod, John Jones, Samuel Huggins, Silas W. Sexton, John S. Jenkins, T. T. Smiley, Abraham D. Gillet, Joseph H. Kennard, Bethel Moore, Edward Siter, Josiah Randal, and Samuel Davis, shall be the trustees of the Haddington college, and their successors, to be elected as hereinafter directed, shall be, and hereby are declared to be, one body corporate and politic, by the name, style and title of the Trustees of Haddington college; and by the same name shall have perpetual succession, and shall be able to sue and be sued, plead and be impleaded, in all courts of record and elsewhere, and shall be competent and capable in law and in equity to take and hold, to them and their successors, for the use of said college, lands, tenements, hereditaments, monies, goods and chattles, of what kind, nature or quality soever, by gift, grant, bargain, sale, assurance, will, devise or bequest, from any person or persons whomsoever, capable of making the same: *Provided*, The same do not exceed the yearly value of fifteen thousand dollars; and the same from time to time to grant, bargain, sell, devise, alter, lease, or dispose of, for the use of said college, and to erect such buildings as may be necessary, and generally to do all and singular, the matters and things which shall be lawful for them to do, for the well being of the said college, and the due management and ordering the affairs thereof.

SECTION 14. The said trustees shall have full power and authority to make and use one common seal, and the same seal to alter at their pleasure.

SECTION 15. The said trustees shall hold their first meeting at the college, in Haddington, on the first Monday of May next after the passing of this act, at three o'clock in the afternoon; five of them shall constitute a quorum, who shall have the power of transacting the business of the college particular, of making by-laws and ordinances for the government thereof, of electing trustees in the room of those who may be removed by death, resignation or otherwise, electing and appointing the president, professors and tutors of the

said college, of agreeing with them for their salaries and stipends; and removing them for breach of the laws; or for inability of appointing committees of their own body, to carry into effect all and every the resolutions of the board, and of appointing a president, secretary, treasurer, and whatever officers may be thought necessary for managing the concerns of the corporation: *Provided always*, That no ordinance or law shall be of force, which shall be repugnant to this charter, or contrary to the laws of the United States or of this State.

Section 15. The first election for trustees to said college, shall be held on the Thursday after the first Tuesday of the month of December of our Lord, one thousand eight hundred and thirteen, at eleven o'clock in the forenoon, and shall continue for two hours: the persons entitled to vote, shall be professors, tutors to said college; the amount of property, and the qualifications entitling to a vote, to be determined by the board at their first meeting under this charter. *Provided*, That if the annual election shall not be held on the said day, it shall and may be lawful on some other day, or days as may be, to hold an election of said trustees, on the day or as may be directed by the by-laws of said college.

Section 17. The said or chief master of said college, shall be elected and called the president: and the masters thereof shall be called professors and tutors, but neither president, professors or tutors, while they remain such, shall ever be eligible to the office of trustee.

Section 18. The said president, professors and tutors, or a majority thereof, shall be called the faculty of the college, and shall have power of enforcing the rules and regulations proposed by the trustees for the government of the college, by suspending or censuring them, and finally by expelling them, if after repeated admonitions shall continue refractory, until a determination shall be made by the trustees.

Section 19. The faculty, by and with the approbation of the trustees, signified by their mandamus, shall have power to grant such degrees in the liberal arts and sciences to such pupils of the institution, or others, who by their proficiency in learning, or other meritorious distinction, shall have been recommended to them, as are usually granted and conferred by colleges, and to grant to such graduates diplomas, or certificates under their common seal, and signed by the faculty, to authenticate and perpetuate such graduation.

Section 20. The legislature reserves the right to revoke,

alter or amend the charter hereby granted, at any time they may think proper. Legislative power to revoke.

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The thirty-first day of March, Anno Domini, one thousand eight hundred and thirty-six.

JOS: RITNER.

No. 89.

An Act

Supplementary to "An act relating to county rates and levies, and township rates and levies," passed the fifteenth day of April, one thousand eight hundred and thirty-four.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That it shall be the duty of the commissioners of the county of Philadelphia, immediately after the passage of this act, and within thirty days after the general election in each and every year thereafter, in each of the two years succeeding the triennial assessment, hereafter to issue their precept to the assessors of the respective townships, wards and districts within the said county, requiring them to make out and return, within sixty days thereafter, a just and perfect list, in such form as the commissioners shall direct, of the names of all the taxable persons residing within the said townships, wards and districts, respectively, and of all property taxable by law, together with a just valuation of the same, to be made in the manner provided for in the act to which this act is a supplement: *Provided also,* That if the said commissioners shall have issued their precept to the said assessors before the passage of this act, requiring them to perform the duties enjoined by the eleventh section of the act to which this is supplementary, the time required for the performance of said duties shall be extended to the first Monday in March next, and the returns

When lists of taxables and property to be made.
Time of return extended this year.

of said assessors made before that day, shall be as valid as if the same had been made within thirty days from the date of such precept.

Compensation of assessors.

SECTION 2. For every day on which the said assessors shall respectively be engaged in making the said assessment and returns, they shall be entitled to receive as a compensation for their services, one dollar and seventy-five cents.

Former acts repealed.

SECTION 3. So much of the act to which this is a supplement, and of all other acts relating to county rates and levies in the county of Philadelphia, shall be null and void, so far as the same shall be inconsistent with, or is supplied by this act.

Limited to Philadelphia.

SECTION 4. No part of this act shall in anywise affect or impair the provisions of any other act heretofore passed, excepting, as aforesaid, in the county of Philadelphia.

Defaulting collectors not to be re-appointed.

SECTION 5. No person shall be appointed collector of county rates and levies within the city and county of Philadelphia, who shall not have paid over the whole amount of his former duplicates; and so much of the act to which this is a supplement, and of the act passed the twenty-eighth of February, eighteen hundred and thirty-five, entitled "A supplement to the act relating to county rates and levies, and to the act relating to counties and townships, and county and township officers," as is inconsistent with the provision of this section, is hereby repealed.

Commissioners, to perform certain acts, appointed.

SECTION 6. That John M. Ogden, Frederick Vogel, and Thomas Roach, shall be commissioners to exercise and carry into effect all the authority conferred on certain commissioners named in the fifteenth section of an act passed the third day of May, eighteen hundred and thirty-two, to continue the surveys of the districts of Spring Garden, Northern Liberties and Kensington, northwardly, to the extent of the limits of unincorporated Penn township, and unincorporated Northern Liberties, who shall serve without any compensation; and all persons in possession of any papers, drafts, surveys, or other statements, relative to the surveys heretofore made, under said act, or under the eleventh section of an act passed the tenth day of April, eighteen hundred and thirty-four, shall deliver over the same to said above named commissioners, or to the surveyors by them to be appointed, to enable them to carry on and complete the said surveys.

Defaulting tax payers.

SECTION 7. That it shall be the duty of the collectors of taxes within the city and county of Philadelphia, to return to the treasurer of said county the names of all persons who shall not have paid their taxes within said city and county, or before the first day of September in each and every year hereafter, and upon the return of said delinquents, the county treasurer shall issue a notice to said delinquents, stating that unless the said taxes standing charged against

them are paid on or before the first day of December, that suit will be instituted for the same.

SECTION 8. And the treasurer of the said county is hereby ^{To be sued.} authorized to institute writs, agreeable to the above provision, in the name of the county, before any alderman or justice of the peace, or sheriff, as the case may be, and upon recovery of the same, the treasurer shall be allowed the same commission as the collectors would have received.

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The thirty-first day of March, A. D., eighteen hundred and thirty-six.

JOS : RITNER.



No. 90.

An Act

For the relief of Thomas Russel, and other soldiers and widows of soldiers of the revolutionary war, and an act supplementary to an act regulating tin and clock pedlars.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the State Treasurer is hereby authorized and required to pay Thomas Russel of Venango T. Russell, county, James Black of Dauphin county, George Swager of and others. Beaver county, Frederick Glaze of Berks county, Catharine Organ of Westmoreland county, Christina Lebold and Elizabeth Feather of Montgomery county, soldiers and widows of soldiers of the revolutionary war, or to their respective orders, forty dollars to each immediately, as a gratuity, and an annuity of forty dollars to each during life, payable half yearly, to commence on the first day January, one thousand eight hundred and thirty-six.

SECTION 2. The State Treasurer be and is hereby author- R. Criswell, ized and required to pay to Robert Criswell of York county, and others.

and the defendant or defendants in such suit or action may plead the general issue, and give this act and the special matter in evidence, and that the same was done in pursuance and by authority of this act.

To be a public highway.

SECTION 19. On the completion of the said railroad or any portion of one track, not less than ten miles, the same shall be esteemed a public highway, for the conveyance of passengers, merchandise and commodities, under such regulations as shall be prescribed by the managers, and it shall and may be lawful for the said company to demand and receive such sum or sums of money for tolls, of persons and property, as they shall from time to time think proper and reasonable:

Rates of toll.

Provided, The rates of toll on any species of property shall not exceed the following, that is to say: on each ton of produce, minerals, or other commodities not herein enumerated, two cents per mile; for boards, plank, scantling, or other sawed stuff reduced to inch measure, two cents per thousand feet; and for shingles, one cent on each one thousand thereof; and all fractions not less than half a ton, one cent each; on all passengers, excepting only such as are necessarily engaged in conducting the cars, one cent each per mile; but no person or persons shall ride, lead, drive or pass along said railway any horse or horses, cattle or any animal of what kind soever, nor place any car or other carriage thereon, without a permit or license first had and obtained from said company, subject to such rules and regulations and shall from time to time be established by the said company, to govern the use of said railroad; and it shall be lawful for the president and managers of the company to prescribe the kind of carriages, wagons and conveyances which shall be used on the said railroad, for the transportation of persons and commodities, and to adopt such regulations as to the transit of wagons and carriages or the said road, as may seem to them most conducive to the interests of the public and of persons using the same.

Nonpayment of toll,

SECTION 20. If any owner or driver of any car, carriage, wagon or conveyance, upon the said railroad, shall pass by any place appointed for the receiving tolls, without making payment thereof, with intent to defraud the said company, he, she or they so offending, shall forfeit and pay for every such offence, for the use of said company, the sum of twenty dollars, to be sued for and recovered by action of debt, before any justice of the peace, in like manner, and subject to the same rules and regulations, as debts under one hundred dollars may be sued for and recovered, together with costs of suit.

Injury to road.

SECTION 21. If any person or persons shall wilfully and knowingly break, injure or destroy the railroad, or any part thereof, or any work, edifice, and device, or any part thereof, to be erected by the said company in pursuance of this act, he, she or they, shall forfeit and pay to the said

company the actual damages so sustained, to be sued for and recovered, with costs of suit, in any court having cognizance thereof, by action of debt, in the name and for the use of the said company, and shall be subject to indictment in the court of Quarter Sessions of the proper county, and upon conviction of such offence, shall be punished by fine and imprisonment, at the discretion of the court.

SECTION 22. If the said corporation shall not carry into effect the objects of this charter within the time of ten years to be commenced, &c. from the passing of this act, or if after the completion of the said railroad the said corporation shall suffer the same to go to decay, and be impassable for the term of two years, then this charter shall become null and void, except so far as compels said company to make reparation for damages.

SECTION 23. If an increase of the capital stock be deemed necessary by the stockholders to complete the said railroad, it may be lawful for the said president, managers and company, at a stated or special meeting convened for the purpose, to increase the number of shares, so that the capital of said company shall not exceed one million of dollars, and to receive and demand the money for shares so subscribed, in like manner, and under like penalties, as are hereinbefore provided for the original subscription, or as shall be provided for by their by-laws.

SECTION 24. If said company shall at any time misuse or abuse any of the privileges hereby granted, the legislature may resume all and singular, the rights and privileges hereby granted to said company; the legislature also reserves the right to purchase the right of said company and the railroad, with the appurtenances, at any time after thirty years from the passage of this act, by paying to said company a sum of money which, together with the tolls received, shall equal the costs and expenses of said railroad, with an interest of eight per centum per annum thereon.

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The thirty-first day of March, A. D., eighteen hundred and thirty-six.

JOS: RITNER.

No. 88.

An Act

To incorporate the Marshall College at Mercersburg, and to incorporate the Haddington College in the county of Philadelphia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the high school of the German Reformed church, located at Mercersburg, in the county of Franklin, be and hereby is erected into a college, for the education of youth in the learned languages, the arts, sciences and useful literature.

German Reformed church erected into a college.

SECTION 2. In testimony of respect for the exalted character, great worth, and high mental attainments of the late John Marshall, Chief Justice of the United States, the said college shall hereafter be called and known by the name of the "Marshall College, at Mercersburg."

To be called "Marshall College."

Direction.

SECTION 3. The said college shall be under the management, direction and government of a number of trustees, not exceeding forty-five, or a quorum or a board thereof, as hereinafter mentioned.

Names of trustees.

SECTION 4. The trustees of said college shall consist of the following persons, to wit: William M'Kinstry, Daniel Shafer, P. W. Littel, William Metcalf, Elliott T. Lane, Adam Hoke, George Chambers, Alexander Thompson, Thomas H. Crawford, Henry L. Rice, Barnard Wolff, William Heyser, Frederick Smith, Jacob Snider, Henry Snevely, Jacob Hade, George Besore, David Fullerton of Franklin, George Denig and Peter Schell of Bedford, N. P. Hacke of Westmoreland, David Middlecauf of Adams, Thomas Chambers of Franklin, William Heister and Charles F. Hoffmeyer of Lancaster, David Krause and Isaac Gerhardt of Dauphin, John W. Gloninger of Lebanon, John E. Hoffman. Berks, James Potter, Centre, Theodore L. Hoffditz and Peter Snyder, Northampton. Samuel Helfenstein, sen., George Wolf, Joseph Ritner, George Troutman, Pennsylvania. Gideon Bantz, Henry Schley, John J. Myers. George Decker, Daniel Huyett, William A. Good, David Schnebly, of Maryland, John Jacob Astor and Dietrich Willers, New York, which said trustees and their successors, to be elected as hereinafter mentioned, shall be, and they are hereby erected, established, and declared to be a body politic and corporate, and with all the incidents of a corporation, in deed and in law, to all intents and purposes whatsoever, by the name, style and title of "The trustees of the Marshall college, at Mercersburg,"

Incorporated.

by which name and title, the said trustees and their successors shall be able and capable at law and in equity, to hold property to themselves and their successors, for the use of said college, any estate in any messuages, lands, tenements, hereditaments, goods, chattels, monies or other effects, by gift, grant, bargain, sale, conveyance, assurance, or otherwise, or bequest, of any person or persons whatsoever. And the same do not exceed in the whole the yearly value of five thousand dollars, and the same may be sold, aliened, conveyed, hereditaments and estates, real and personal, and may be bought, gain, sell, convey, assure, demise, or otherwise disposed of, and place out on interest, or otherwise employed or invested for the use of the said college, in such manner as they, or at least a quorum of them, shall see fit, and to apply the same to the institution; and to receive the rents, issues, profits, and income and interest of the same, and to employ the same for the proper use of the said college, and to sue, commence, prosecute and defend, in any courts of law or equity, or to be impleaded, in any courts of law or equity, and to be parties to suits and actions whatsoever, and to do and transact all things touching or concerning the premises, and to do all things incidentally necessary thereto, as fully and as much as any natural person, or body politic or corporate, may lawfully manage their own concerns, and to have and exercise all such powers, authorities and jurisdictions, as are customary in other colleges within the said State.

SECTION 5. The said trustees shall have power to use, for their use, one common seal, with which they may seal all resolutions thereon as they shall think proper, and all deeds, diplomas, certificates, and other writings in relation to the said corporation, shall pass and be authentic if signed by the said trustees and sealed at their pleasure to break and alter and to use only one.

[illegible]

stipends, and removing them for misconduct, breaches of the ordinances of the institution, or other cause which shall be deemed sufficient, of appointing committees of their own body to carry into execution all and every the resolutions of the board, of appointing a president, secretary, treasurer and other officers, whom they may find necessary for managing the corporation, of providing for the punishment of all violations of the rules, regulations, or ordinances of the college, or other misconduct committed by the students or other persons thereat, and generally, at any annual, adjourned, or extra meeting, shall determine all matters and things (although the same are not herein particularly mentioned) which shall occasionally arise, and be incidentally necessary to be determined by said trustees: *Provided*, That no ordinance or regulation shall be of any force, which is repugnant to the constitution and laws of the United States or of this commonwealth.

Faculty, how
composed.

Their powers

Degrees.

To be open
to all religi-
ous denomi-
nations.

Misnomer
not to defeat
grants, etc.

German pro-
fessorship.

Legislative
power to re-
voke.

SECTION 7. That the principal and professors of said college, or a majority of them for the time being, shall constitute the faculty of the college, which faculty shall have the power of enforcing the rules and regulations adopted by the trustees for the government of the students, and to grant and confirm, by the order and direction of a quorum of the board of trustees, such degrees in the liberal arts, sciences, or such branches thereof, to such students of the college, and others, who by their proficiency in learning, or other distinction, they think shall be entitled to them, as have been usually granted in other colleges or universities, or which the said trustees, or a quorum thereof, shall think right and proper, and to grant to such graduates, diplomas or certificates, under their common seal, to authenticate and perpetuate the memory of such graduation.

SECTION 8. Persons of every religious denomination shall be capable of being elected trustees, nor shall any person, either as principal, professor, tutor or pupil, be refused admittance into said college, or denied any of the privileges, immunities or advantages thereof, for, or on account of his sentiments in matters of religion.

SECTION 9. No misnomer of the said corporation shall defeat or annul any gift, grant, devise or bequest, to or from said corporation: *Provided*, The intent of the parties shall sufficiently appear upon the face of the gift, grant, will, other writing, whereby any estate or interest was intended to pass to or from said corporation.

SECTION 10. In addition to the customary professorships in other colleges, there shall be in this institution a German professorship.

SECTION 11. The legislature reserves the right to revoke, alter or annul the charter hereby granted, at any time they may think proper.

SECTION 12. That there shall be, and hereby is established in the county of Philadelphia, a college for the purpose of educating youth in the English, learned and foreign languages, the liberal arts, sciences and literature, the style and title of which shall be "The Haddington College, in the county of Philadelphia."

SECTION 13. Until the Thursday after the first Tuesday of October, eighteen hundred and thirty-six, the following persons, viz: Joseph Mathias, James M. Linnard, Joseph Taylor, Horatio G. Jones, Joseph S. Walker, John B. Trevor, Israel E. James, Franklin Lee, James J. Woolsey, George M'Leod, John Jones, Samuel Huggins, Silas W. Sexton, John S. Jenkins, T. T. Smiley, Abraham D. Gillet, Joseph H. Kennard, Bethel Moore, Edward Siter, Josiah Randal, and Samuel Davis, shall be the trustees of the Haddington college, and their successors, to be elected as hereinafter directed, shall be, and hereby are declared to be, one body corporate and politic, by the name, style and title of the Trustees of Haddington college; and by the same name shall have perpetual succession, and shall be able to sue and be sued, plead and be impleaded, in all courts of record and elsewhere, and shall be competent and capable in law and in equity to take and hold, to them and their successors, for the use of said college, lands, tenements, hereditaments, monies, goods and chattles, of what kind, nature or quality soever, by gift, grant, bargain, sale, assurance, will, devise or bequest, from any person or persons whomsoever, capable of making the same: *Provided*, The same do not exceed the yearly value of fifteen thousand dollars; and the same from time to time to grant, bargain, sell, devise, alter, lease, or dispose of, for the use of said college, and to erect such buildings as may be necessary, and generally to do all and singular, the matters and things which shall be lawful for them to do, for the well being of the said college, and the due management and ordering the affairs thereof.

SECTION 14. The said trustees shall have full power and authority to make and use one common seal, and the same seal to alter at their pleasure.

SECTION 15. The said trustees shall hold their first meeting at the college, in Haddington, on the first Monday of May next after the passing of this act, at three o'clock in the afternoon; five of them shall constitute a quorum, who shall have the power of transacting the business of the college particular, of making by-laws and ordinances for the government thereof, of electing trustees in the room of those who may be removed by death, resignation or otherwise, electing and appointing the president, professors and tutors of the

Haddington college established.

Present trustees and their successors incorporated.

General powers.

Proviso as to property.

Meeting of trustees.

To make by-laws, appoint officer etc.

Provis. said college, of agreeing with them for their salaries and stipends, and removing them for breach of the laws; or for any breach of appointing committees of their own body, to carry into effect all and every the resolutions of the board, and of appointing a president, secretary, treasurer, and whatever officers may be thought necessary for managing the concerns of the corporation: *Provided always*, That no ordinance or law shall be of force, which shall be repugnant to this charter, or contrary to the laws of the United States or of this State.

Section of the college. The first election for trustees to said college, shall be made on the Thursday after the first Tuesday of March next, the year of our Lord, one thousand eight hundred and twenty-six, at eleven o'clock in the forenoon, and shall continue for two hours: the persons entitled to vote, shall be all the contributors to said college; the amount of contributions, and the qualifications entitling to a vote, to be determined by the board in their first meeting under this charter: *Provided*, That if the annual election shall not be held on the day, it shall and may be lawful on any other day, or days as may be, to hold an election of said trustees, and to order as may be directed by the by-laws of the college.

Section 17. The said or chief master of said college, shall be elected and called the president: and the masters thereof shall be called professors and tutors, but neither presidents, professors or tutors, while they remain such, shall ever be eligible to the office of trustee.

Section 18. The president, professors and tutors, or any and their deputies, shall be called the faculty of the college. The faculty shall have power of enforcing the rules and regulations adopted by the trustees for the government of the college, by punishing or censuring them, and finally by suspending or expelling them after repeated admonitions shall have been made, and refractory, until a determination shall be made by the trustees.

Section 19. The faculty, by and with the approbation of the trustees, signified by their mandamus, shall have power to grant such degrees in the liberal arts and sciences to such pupils of the institution, or others, who by their proficiency in learning, or other meritorious distinction, may stand entitled to them, as are usually granted and conferred by colleges, and to grant to such graduates diplomas or certificates under their common seal, and signed by the faculty, to authenticate and perpetuate such graduation.

Section 20. The legislature reserves the right to revoke,

alter or amend the charter hereby granted, at any time they may think proper. Legislative power to revoke.

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The thirty-first day of March, Anno Domini, one thousand eight hundred and thirty-six.

JOS: RITNER.



No. 89.

An Act

Supplementary to "An act relating to county rates and levies, and township rates and levies," passed the fifteenth day of April, one thousand eight hundred and thirty-four.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That it shall be the duty of the commissioners of the county of Philadelphia, immediately after the passage of this act, and within thirty days after the general election in each and every year thereafter, in each of the two years succeeding the triennial assessment, hereafter to issue their precept to the assessors of the respective townships, wards and districts within the said county, requiring them to make out and return, within sixty days thereafter, a just and perfect list, in such form as the commissioners shall direct, of the names of all the taxable persons residing within the said townships, wards and districts, respectively, and of all property taxable by law, together with a just valuation of the same, to be made in the manner provided for in the act to which this act is a supplement: *Provided also,* That if the said commissioners shall have issued their precept to the said assessors before the passage of this act, requiring them to perform the duties enjoined by the eleventh section of the act to which this is supplementary, the time required for the performance of said duties shall be extended to the first Monday in March next, and the returns

When lists of taxables and property to be made.
Time of return extended this year.

of said assessors made before that day, shall be as valid as if the same had been made within thirty days from the date of such precept.

Compensation of assessors.

SECTION 2. For every day on which the said assessors shall respectively be engaged in making the said assessment and returns, they shall be entitled to receive as a compensation for their services, one dollar and seventy-five cents.

Former acts repealed.

SECTION 3. So much of the act to which this is a supplement, and of all other acts relating to county rates and levies in the county of Philadelphia, shall be null and void, so far as the same shall be inconsistent with, or is supplied by this act.

Limited to Philadelphia.

SECTION 4. No part of this act shall in anywise affect or impair the provisions of any other act heretofore passed, excepting, as aforesaid, in the county of Philadelphia.

Defaulting collectors not to be re-appointed.

SECTION 5. No person shall be appointed collector of county rates and levies within the city and county of Philadelphia, who shall not have paid over the whole amount of his former duplicates; and so much of the act to which this is a supplement, and of the act passed the twenty-eighth of February, eighteen hundred and thirty-five, entitled "A supplement to the act relating to county rates and levies, and to the act relating to counties and townships, and county and township officers," as is inconsistent with the provision of this section, is hereby repealed.

Commissioners, to perform certain acts, appointed.

SECTION 6. That John M. Ogden, Frederick Vogel, and Thomas Roach, shall be commissioners to exercise and carry into effect all the authority conferred on certain commissioners named in the fifteenth section of an act passed the third day of May, eighteen hundred and thirty-two, to continue the surveys of the districts of Spring Garden, Northern Liberties and Kensington, northwardly, to the extent of the limits of unincorporated Penn township, and unincorporated Northern Liberties, who shall serve without any compensation; and all persons in possession of any papers, drafts, surveys, or other statements, relative to the surveys heretofore made, under said act, or under the eleventh section of an act passed the tenth day of April, eighteen hundred and thirty-four, shall deliver over the same to said above named commissioners, or to the surveyors by them to be appointed, to enable them to carry on and complete the said surveys.

Defaulting tax payers.

SECTION 7. That it shall be the duty of the collectors of taxes within the city and county of Philadelphia, to return to the treasurer of said county the names of all persons who shall not have paid their taxes within said city and county, or before the first day of September in each and every year hereafter, and upon the return of said delinquents, the county treasurer shall issue a notice to said delinquents, stating that unless the said taxes standing charged against

them are paid on or before the first day of December, that suit will be instituted for the same.

SECTION 8. And the treasurer of the said county is hereby *To be sued.* authorized to institute writs, agreeable to the above provision, in the name of the county, before any alderman or justice of the peace, or sheriff, as the case may be, and upon recovery of the same, the treasurer shall be allowed the same commission as the collectors would have received.

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The thirty-first day of March, A. D., eighteen hundred and thirty-six.

JOS : RITNER.

No. 90.

An Act

For the relief of Thomas Russel, and other soldiers and widows of soldiers of the revolutionary war, and an act supplementary to an act regulating tin and clock pedlars.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the State Treasurer is hereby authorized and required to pay Thomas Russel of Venango T. Russell, county, James Black of Dauphin county, George Swager of and others. Beaver county, Frederick Glaze of Berks county, Catharine Organ of Westmoreland county, Christina Lebold and Elizabeth Feather of Montgomery county, soldiers and widows of soldiers of the revolutionary war, or to their respective orders, forty dollars to each immediately, as a gratuity, and an annuity of forty dollars to each during life, payable half yearly, to commence on the first day January, one thousand eight hundred and thirty-six.

SECTION 2. The State Treasurer be and is hereby author- R. Criswell, ized and required to pay to Robert Criswell of York county, and others.

David Griffith of Indiana county, Samuel Harper of Greene county, George Youngman of Union county, a gratuity of forty dollars to each immediately, in full for their revolutionary services.

J. Ralston, and others. SECTION 3. That the State Treasurer is hereby authorized and required to pay John Ralston, Peter Mattocks, and Jacob Peters of Crawford county, Isaiah Mann and John Harding of Fayette county, Jacob Graul of Berks county, Archibald Laudon of Cumberland county, James Ross of Washington county, Josiah Heidler of Adams county, George Grove of Huntingdon county, Mary Crutchlow of Butler county, Barbara M'Dowell of Bucks county, Elizabeth Smick of Northumberland county, Peter Brunner and John Patterson of Lancaster county, Elizabeth Taylor of the state of New York, soldiers and widows of soldiers of the revolutionary war, or to their respective orders, forty dollars to each, immediately, and an annuity of forty dollars to each during life, payable half yearly, to commence on the first day of January, one thousand eight hundred and thirty-six.

J. Karmony. SECTION 4. That the State Treasurer is hereby authorized and required to pay John Karmony of Lebanon county, or order, an annuity of forty dollars, annually, to commence on the first day of January, one thousand eight hundred and thirty-six, payable half yearly.

P. Lucas, and others. SECTION 5. That the State Treasurer is hereby authorized and required to pay to Philip Lucas of Schuylkill county, John Lose of Northumberland county, Joanna Larison of Lycoming county, forty dollars to each immediately, as a gratuity, in full for their revolutionary services, and the services performed by Jacob Larison, late husband of Joanno Larison, in the revolutionary war; the foregoing gratuities and pension to be paid in conformity with the existing laws.

J. Smith. SECTION 6. That the State Treasurer is hereby authorized and required to pay James Smith of Columbiana county, state of Ohio, forty dollars immediately, and an annuity of forty dollars during life, payable half yearly, to commence on the first day of January, one thousand eight hundred and thirty-six; this annuity to be paid in conformity to the existing laws, by the treasurer of Beaver county.

Tin pedlars' licenses, in Susquehanna county, regulated. SECTION 7. That from and after the passage of this act, it shall be lawful for any manufacturer of tin or japanned ware, in the county of Susquehanna, to apply to the clerk of the court of Quarter Sessions of said county, for so many separate licenses for one year, in his own name, as shall be equal to the number of venders or pedlars that he may wish to employ, paying for each license the sum mentioned in the act to which this is a supplement, and the said clerks at

hereby authorized and directed to issue such licenses, designating the licenses issued to any one person numerically, and such licenses shall be as available in law in the hands and possession of any person employed by such manufacturer, as if the same had been issued in the name of the person so employed as a pedlar or vender.

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The thirty-first day of March, A. D. eighteen hundred and thirty-six.

JOS: RITNER.



No. 91.

An Act

Incorporating the Mechanics' and Tradesmen's Loan Company of the State of Pennsylvania.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Peter Wager, Benjamin S. Bon-sall, Sherry Dito, William Badger, William Stewart, Samuel Badger, David Boyd, William Christie, Hugh Catherwood, and others, who now are, or hereafter shall become members of the said company, shall be, and are hereby ordained, constituted, and declared to be a body corporate and politic, by the name and style of "The Mechanics' and Tradesmen's Loan company of the state of Pennsylvania," and by that name they and their successors shall have perpetual succession, and shall be in law capable of purchasing, receiving, holding and conveying any estate, real or personal, for the use, occupation and benefit of the said corporation: *Provided*, That the said corporation shall not, directly or indirectly, deal or trade in buying or selling any goods, wares, merchandise or commodities whatsoever, unless in receiving and disposing of the same, when truly pledged for

- loans by the said corporation, in the manner hereinafter authorized by this act: *Provided also*, That the yearly rents or profits arising from the said real estate, shall not exceed six thousand dollars.
- Proviso as to amount of property.**
- Amount of stock.** SECTION 2. The capital stock of said corporation shall be five hundred thousand dollars, divided into twenty-five thousand shares of twenty dollars each, and within one year from the passage of this law, to call in and cause to be paid the whole of the capital hereby authorized, which capital shall at all times be liable to the depositors for the amount of their deposits, and of the interest accruing thereon; the said stock shall be transferrable on the books of said company, in such manner as the board of directors may order and direct.
- To be liable to depositors.**
- To receive deposits.** SECTION 3. It shall be the duty of said corporation to receive from time to time, such sum or sums of money as may be deposited with them, on such terms, and for which they will pay to the depositor or depositors such rates of interest, as the directors of said corporation may from time to time order and direct: *Provided however*, That the rates of interest shall not at any time be lowered, without giving at least thirty days notice, in two of the daily papers of the city of Philadelphia; and further, it shall be lawful for the said corporation to loan money, in any sum or sums, on mortgages, or on pledges of goods and chattels, and to charge all reasonable expenses incident to the same, and an interest not exceeding six centum per annum: *Provided*, That where the term of a loan shall be less than fifteen days, it shall be lawful for the said corporation to charge an interest as aforesaid, for the half of a month, and where such term shall exceed fifteen days, and be less than one month, to charge interest for a full month: *Provided*, That nothing herein contained shall be construed so as to enable the said association to invest any portion of its funds in the discount of promissory notes, or bills of exchange.
- Proviso as to interest.**
- Mortgages & pledges.**
- Proviso as to interest.**
- Proviso as to notes & bills of exchange.**
- Pledges to be appraised.** SECTION 4. When any sum shall be loaned as aforesaid, the article or articles pledged for the security of the same, shall be appraised by the appraisers of the said corporation, and the proper officer thereof shall deliver to the borrower a certificate, in writing, and signed by the proper officer, for that purpose duly authorized, which certificate shall be dated on the day of the delivery thereof, and shall contain a description of the article or articles pledged, as near as may be, with their appraised value, and shall also specify the sum of money borrowed, the rate of interest agreed on, together with the name and the place of residence of such borrower; a duplicate of which certificate shall be kept in the books of the said corporation.
- Certificate of pledge and loan.**
- Sale of pledges.** SECTION 5. If any article or articles so pledged as aforesaid, shall remain unredeemed after the expiration of the period of

the loan made thereon, it shall be lawful for the said corporation to sell the same at public auction, by a licensed auctioneer, and in no other manner, after giving at least ten days previous notice of the time and place of such sale, in two of the daily newspapers published in the city of Philadelphia, and shall deduct the money arising from the sale of such article or articles, as well as the amount of money loaned thereon, and the interest, at the rate agreed on, from the day of the date of such loan to the day of such sale, and the reasonable expenses attending such sale; and that the surplus of the money arising from the sale of such article or articles, (if any there shall be,) shall be paid to the person or persons presenting the certificate of loan made thereon, without interest, on such surplus, until after a legal demand shall have been made, and the said corporation shall have refused to pay the same.

SECTION 6. The officers of the institution shall consist of a president, nine directors, a cashier, appraisers, and also such other officers and agents as shall be necessary in conducting and managing the business of the institution; the directors shall be elected annually, on the first Monday of December, by a majority of the members of said institution, upon ten days public notice being given of the time and place of election, until which time the persons before mentioned in this act, now acting as directors of said institution, shall continue to manage the business and concerns of the same; the president and all other officers shall be elected by the board of directors; a majority of votes present shall be necessary in order to an election.

SECTION 7. In order to entitle a person to be a member of this institution, he must own, in his own right, at least ten shares of stock, and must have been elected by a majority of the members present, at an annual or special meeting, to be called by the board of directors.

SECTION 8. This act shall continue and be in force for the term of fifteen years.

SECTION 9. That the president or secretary of the said company shall annually on the first Monday in December, transmit to the Auditor General a full statement of the affairs of said company, and on oath; and shall pay annually into the treasury of the commonwealth, a tax of eight per centum on all dividends which may exceed six per cent. on the capital stock actually paid in.

SECTION 10. The legislature reserves the right to alter, amend, or annul this act, at any time it may be found injurious to the public good.

SECTION 11. This corporation shall issue no notes, or bills of credit or promisory notes, in the nature of bank notes, or exercise any banking privileges whatever.

Quarter Ses-
sions to in-
vestigate.

SECTION 12. The court of Quarter Sessions may from time to time, appoint a suitable person to investigate the affairs and management of said company, who shall report to such court the manner in which its investments are made, his opinion of the ability and integrity with which the affairs of the company are conducted, of the produce and safety of its investments, and the security afforded, to those by whom its engagements are held ; the expenses of every investigation so made, shall be defrayed by the said company.

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The thirty-first day of March, A. D., eighteen hundred and thirty-six.

JOS : RITNER.



No. 92.

An Act

Authorizing Michael Weimer to constitute as attorney Ingham Wood, son of Peter Wood, late of the city of Philadelphia, deceased, to make sale of the interest and title of Mary Weimer, wife of Michael Weimer, of the city of Lancaster, of and in certain lands lying in Lycoming and Centre counties, and to empower James Wood and Job Eldridge, and Jane his wife, to sell and convey certain lands in Chester county, and for other purposes.

Preambles

WHEREAS, it appears that Mary Weimer, wife of Michael Weimer, of the city of Lancaster, is now, and has been for the last twelve years, non compos mentis, and incapable of doing any legal act; Therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That it shall be lawful for the said Michael Weimer, by power of attorney, to constitute, and by and with the consent of the court of Common Pleas of Lancas-

Ing. Wood. ter county, appoint Ingham Wood agent, with full power and agent to sell, authority to sell and dispose of all the right, title and inter-

est of the said Mary Weimer, of, in, and to three tracts of land, situate in Lycoming county, containing in all eleven hundred acres; and also, three other tracts of land, situate in Centre county, contained together about thirteen hundred acres, being the property of Peter Wood, late of the city of Philadelphia, and now deceased: *Provided*, Said court shall *Proviso*. consent to said appointment, in case they shall be satisfied said Mary Weimer is non compos mentis, and not otherwise.

SECTION 2. The deeds or instruments for the sale of said interest and title of said Mary Weimer, made by virtue of this act, shall have as full force and effect in law, as though the said Mary Weimer was of sound mind, and had joined of her own free will and accord in the conveyance: *Provided*, That the money arising from such sale, after defraying reasonable expenses, shall be charged upon land, or be placed at interest for the maintenance and support of said Mary Weimer during her life time, and at her death, the principal sum to go to her children.

SECTION 3. That James Wood, and Job Eldridge and Jane his wife, be and they are hereby empowered to sell and convey in fee simple, all that tract or parcel of land situate in the township, formerly Charleston, now Schuylkill, in the county of Chester, in this commonwealth, bounded and described as follows, to wit: beginning at a corner, in a line of Joseph Pennepacker, on the south side of Pickering creek, thence by the same and land of Daniel Shaowalter, north, forty-nine degrees west, crossing said creek, one hundred and forty-two perches, to a corner, and by said Shaowalter south, forty-one degrees, and thirty minutes west, twenty-seven perches and eight-tenths to a corner of land of William M. Eldridge, and by the same south, forty-nine degrees east, about one hundred and forty perches, to Pickering creek, and down the same, on the several courses thereof, about thirty-four perches and eight-tenths, to the place of beginning; computed to contain twenty-four acres and one hundred and seven perches of land, be the same more or less, being the same premises which the said William M. Eldridge, by indenture tripartite, dated the tenth day of August, Anno Domini, one thousand eight hundred and twenty-six, conveyed to the said James Wood, upon the trusts in the said indenture declared and contained, and the purchaser shall have the same title in all respects as if the said indenture tripartite had expressly authorized such sale and conveyance.

SECTION 4. That from and after the passage of this act, the county commissioners, and directors of the poor of Lancaster county, in addition to the daily pay allowed by the act relating to counties and townships; and township officers, approved the fifteenth day of April, eighteen hundred and thirty-four, shall be allowed six cents for age.

each mile circular necessarily travelled in the execution of the duties of their office.

Title to land
in Spring-
field, Luzerne
county, con-
firmed.

SECTION 5. That the title to the several lots of land, which under the act of assembly, passed fourth day of April, one thousand seven hundred and ninety-nine, entitled "An act for offering compensation to the Pennsylvania claimants of certain lands within the seventeen townships in the county of Luzerne," and for other purposes therein mentioned, and the supplements thereto, were certified to the township committee of Springfield, being one of the said seventeen townships, and which were sold by said committee at public sale, in pursuance of a vote of said township, to divers individuals, be and the same is hereby made valid, and confirmed to said individuals, and those claiming under them, their heirs and assigns, as fully and effectually as though the said committee had been vested with legal authority to make such sale and conveyance at the time thereof.

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The thirty-first day of March, Anno Domini,
one thousand eight hundred and thirty-six.

JOS : RITNER.

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NO. 93.

An Act

Relative to the appointment of High constable in the borough of Lewistown, Mifflin county, and taxing Dogs in said borough, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, the court of Quarter Sessions of Mifflin county, upon petition of the town council, is hereby authorized and

required to fill any vacancy which may hereafter occur in the office of high constable of the borough of Lewistown, High Constable in said county, by death, resignation, refusal to serve, or by the death of Lewis otherwise, by the appointment of some suitable person, who, if not a freeholder, shall give bond, in the usual manner, and be entitled to the same privileges and emoluments, and be subject to the same penalties for neglect or refusal to perform the duties, as is provided for in the act incorporating said borough.

SECTION 2. The town council of the said borough of Lewistown are hereby authorized to tax, by such ordinance as they may pass for the purpose, all dogs or bitches within the said borough, of the age of six months and upwards, and enforce the collection of the said tax, as other taxes in and for said borough are collected, and to be applied, when collected, to such uses and purposes in the said borough as the said council may direct: *Provided*, The said tax shall not exceed the sum of one dollar for the first dog or bitch, and fifty cents for every additional dog or bitch owned by the same person.

SECTION 3. That it shall hereafter be lawful for the corporate authorities of the borough of York, to lay a tax on dogs in said borough, the same to be levied, assessed, collected and appropriated, at such times and in such manner as the said burgesses may direct: *Provided*, the tax shall not exceed fifty cents on the first dog, and one dollar for every additional dog owned or kept by the same person.

SECTION 4. That the high constable of the borough of Berwick in the county of Adams, and of the borough of York in the county of York, shall have like jurisdiction, and in all things be invested with like powers, and subject to the same liabilities with constables of townships within said county.

SECTION 5. That from and after the passage of this act, any person or persons who may kill any fox or foxes, wild cat or wild cats, within the counties of Mifflin, Columbia, Northampton, in this commonwealth, and who shall produce the scalp of said fox or foxes, wild cat or wild cats, having the ears thereof, before any justice of the peace in and for the said counties of Mifflin, Columbia and Northampton, it shall be the duty of such justice to examine such person or persons, on oath or affirmation, touching the place where and the time when such fox or foxes, wild cat or wild cats, was or were taken and killed; and if the place or places of such taking and killing, shall be found to be within the bounds of the proper county, it shall be the duty of such justice to give the person or persons a certificate of the fact to the commissioners of the county, together with the scalp,

Premium for scalps. as aforesaid, and the said commissioners upon the receipts thereof, shall immediately have such scalp or scalps destroyed, and thereupon draw their warrant on the county treasurer of the proper county; for the scalp of a full grown fox, fifty cents, and if for the scalp of a full grown wild cat, two dollars, and for those that are not full grown, for half the amount for each and every scalp so produced, as aforesaid, and it shall be the duty of such treasurer, and he is hereby directed to pay the amount of said order: *Provided*

Proviso.

however, that the premium to be paid on fox scalps, shall be limited to red foxes only, so far as regards Mifflin county; and that part of the act of the fourth of May, one thousand eight hundred and thirty-two, relating to the premium on fox scalps in the county of York, which was repealed at the last session, is hereby reenacted.

Southern boundary of Mifflintown.

SECTION 6. The southern boundary of the borough of Mifflintown in the county of Juniata, shall hereafter extend in a straight line from the Sunbury road to the towing-path of the Pennsylvania canal, thence up said canal to the north-western corner of said borough.

Town constable in Mifflintown.

SECTION 7. In case of any vacancy hereafter occurring in the office of town constable of the said borough of Mifflintown, by death, resignation, refusal to give necessary security, or otherwise, the court of Quarter Sessions of the county of Juniata are hereby authorized and required, upon the petition of the town council of said borough, to appoint some suitable person, who shall have the same powers and emoluments, and be subject to the same penalties for neglect or refusal to perform his duties, as is prescribed in the eleventh section of the act incorporating said borough.

Prohibiting hawkers and pedlars from vending merchandise in Mifflintown and Lewistown.

SECTION 8. No hawker or pedlar shall hereafter be permitted to sell, vend, or expose any foreign goods, wares or merchandise, clocks, tin, or japan ware, within the limits of said borough of Mifflintown, or Lewistown, under the penalty of ten dollars, to be recovered as debts of like amount are by law recoverable, one moiety thereof for the use of the informer, and the residue to be paid into the borough treasuries, for the use of the respective boroughs.

Repeal.

SECTION 9. That the second section of an act passed the twenty-fourth day of February, eighteen hundred and twenty, entitled "An act authorizing the election of additional constables in different townships in this commonwealth," be and the same is hereby repealed.

Court of appeal in Claysville, Washington county, relative to taxation.

SECTION 10. That the burgess, president of the council, and treasurer of the borough of Claysville, in the county of Washington, or any two of them, shall constitute a court of appeal, and prior to the collection of any borough tax, they shall appoint a day for hearing of appeals, of which, and the amount of her or his tax, and the place where the appeal will be held, the collector shall notify each taxable by a

written notice, in the usual manner, at least ten days before the day of appeal, and in all cases where the tax shall have been properly assessed and adjusted, it shall be the duty of the burgess, or in case of his absence or inability to act, of the treasurer, and he is hereby authorized to issue his precept, directed to the collector, commanding him to collect **Collection of all taxes so assessed, and vesting him with like powers and the taxes.** authorities given to the collectors of county rates and levies, by the laws of this commonwealth, and the amount so collected, shall be paid into the treasury, for the use of said corporation.

SECTION 11. So much of the borough taxes heretofore **Payment of lawfully assessed, and which shall not have been paid, it taxes to be shall and may be lawful for the burgess, or in his absence or enforced.** inability, the treasurer, to issue his precept to the collector to enforce the payment of the same, in the same manner and under the restrictions, as taxes hereafter to be levied under the first section of this act.

SECTION 12. So much of the act to which this is a supple- **Repeal.** ment, as is hereby altered or supplied, is hereby repealed.

SECTION 13. That the electors of the township of Deer, in **Two constables in Deer Allegheny county, shall, at the day and place now appointed township, Allegheny county.** for the election of a constable, elect, and they are hereby authorized to elect, two constables for said township, to serve for the period, and with the powers now exercised by the constable of said township.

SECTION 14. *And be it further enacted by the authority aforesaid,* That from and after the first day of May next, the twelfth, thirteenth and fourteenth sections of the act approved the 15th day of March, A. D. one thousand eight hundred and thirty-two, entitled "An act relative to constables and supervisors in certain townships and boroughs," be and the same are hereby repealed, and that so much of the prior **Repeal.** acts of the general assembly as referred to the supervisors of the township of Mifflin, and county of Allegheny, and to contracts for the repairs of roads in said township, be from **Revival.** the first day of May aforesaid, revived and in full force.

SECTION 15. That so much of the first, second and third **Repeal as to sections of the act passed the twenty-first of March, one swine running at large in M'Kean thousand eight hundred and thirty-three, as relates to swine in M'Kean county.** running at large in the county of M'Kean, be and the same is hereby repealed.

SECTION 16. That so much of the act entitled "An act **Repeal as to to open the streets, roads, lanes and alleys in a certain por-streets, &c. tion of the township of Moyamensing, and for fixing the in Moyamensing.** lines and descents of the water courses of all the streets, roads, lanes and alleys in said township, and for other purposes, passed the thirteenth day of April, one thousand eight hundred and thirty-five, as relates to the township of Moyamensing, be and the same is hereby repealed.

Repeal as to
swine run-
ning at large
in Canons-
burg.

SECTION 17. That so much of an act in a supplement to an act incorporating the borough of Canonsburg in the county of Washington, passed the thirty-first day of March, Anno Domini, eighteen hundred and seven, which prohibits hogs running at large in said borough, be and the same is hereby repealed.

NER MIDDLESWARTH,

Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,

Speaker of the Senate.

APPROVED—The thirty-first day of March, Anno Domini, one thousand eight hundred and thirty-six.

JOS: RITNER.



No. 94.

An Act

For dividing the incorporated district of Southwark, in the county of Philadelphia, into five wards, and for other purposes.

Boundaries
of the five
wards.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the incorporated district of Southwark, in the county of Philadelphia, shall be, and hereby is divided into five wards, in manner following, that is to say: so much of the said district as lies east of the centre of Third street, and north of the centre of Catharine street, shall be the first ward; so much of the said district as lies east of the centre of Third street, and south of the centre of Catharine street, to the centre of the railroad of the "Southwark railroad company," as at present located, shall be the second ward; so much of the said district as lies west of the centre of Third street, and north of the centre of Catharine street, shall be the third ward; so much of the said district as lies west of the centre of Third street, and south of the centre of Catharine street, to the centre of the railroad of the "Southwark railroad company," as at present located, shall be the fourth ward; and so much of the said

district as lies south of the centre of the railroad of the "Southwark railroad company," as at present located, shall be the fifth ward.

SECTION 2. It shall henceforth be lawful for the electors of each and every of the said wards, annually to elect for the wards in which they, the said electors, respectively shall reside, two inspectors of the general election, who shall be residents of the wards for which they shall be elected, and that the said election for inspectors, shall be opened and held at the time, and conducted, superintended and regulated, in the manner provided and prescribed by the existing laws of this commonwealth, regulating the elections of inspectors of the general elections.

Election of two inspectors of the general election in each ward.

SECTION 3. The aforesaid elections shall be held at the following named places, that is to say: For the first ward at the public house lately occupied by Sarah Moose, in Front street, above Mead street or alley; for the second ward, at the public house now occupied by John Maconnell, at the south-west corner of Catharine and Second streets; for the third ward at the public house now occupied by Robert Tait, south-east corner of Fourth and Shippen street; for the fourth ward, at the public house now occupied by William C. Nolin, south-east corner of Queen and Fifth streets; and for the fifth ward, at the public house now occupied by George Diamond, in Front street below Federal street: *Provided*, That if at any time hereafter, it shall become necessary, it shall and may be lawful for the qualified voters of each of the said wards, to change the place of holding the said elections of their respective wards, to such other place in the same ward as may be most convenient for them, in the same manner, and under the same regulations that are now by law provided for changing the place of holding ward elections in the city of Philadelphia.

Places of holding the elections.

Proviso.

SECTION 4. The general elections in the said district shall as heretofore, be held at the Commissioners' Hall, in the said district, and the commissioners of the said district are hereby required and directed to open two windows on the east front of the said Hall, and appropriate and prepare one thereof for the reception of tickets from the electors of the first ward, and appropriate and prepare the other thereof for the reception of tickets from the electors of the second ward; also, to open two windows in the west front of the said Hall, and appropriate and prepare one thereof for the reception of tickets from the electors of the third ward, and appropriate and prepare the other thereof for the reception of tickets from the electors of the fourth ward; and also, to open one window on the north part of the said Hall, and appropriate and prepare the same for the reception of tickets from the electors of the fifth ward; and the said commissioners are also hereby required and directed to make all

General election to be held at the Commissioners' Hall.

A separate window for the voters of each ward.

necessary arrangements to facilitate the approach of the electors to the said windows.

Duties of the inspectors, judges and clerks of the general election.

SECTION 5. The inspectors for the said wards, chosen as aforesaid, shall meet at eight o'clock in the forenoon of the day of the general election, at the place now appointed for holding the same for the said district of Southwark, and the inspectors of each and every of the said wards, shall then and there choose and take to their assistance one respectable citizen qualified to vote, residing in the ward for which he shall be chosen, to be a judge of the election therein, and the inspectors and judge for each and every ward chosen as aforesaid, shall appoint for their respective wards such and so many clerks of the election, (being severally of the age of twenty-one years or more,) as they shall deem necessary, and the said inspectors, judges and clerks of the election, shall severally take the qualifications required of, and be subject and liable to all the penalties imposed upon inspectors, judges, and clerks of the general elections in the said district, by the existing laws of this commonwealth, regulating the general elections for the said district, and the said inspectors, the five judges chosen by them as aforesaid, and the said clerks of the election, shall perform all the duties enjoined by the same laws upon inspectors, judges, and clerks of the general elections, in the said district, and in conducting the said general elections, and receiving the votes at the same; the inspectors for each ward, shall occupy the window which may be appropriated for the reception of tickets from the electors of the ward for which they shall have been elected, in exclusion of the inspector or inspectors of any other ward or place.

Time of opening and closing the general election.

SECTION 6. From and after the passage of this act, the time of opening and closing the general elections for the said district, shall be the same as is now by law provided for opening and closing the general elections for the city of Philadelphia, and that the said general elections for the said district, shall in all respects be governed by, and conducted according to the existing laws of this commonwealth regulating the general elections for the said district, excepting only so far as the government and conducting of the same may by this act be altered.

Assessors.

SECTION 7. It shall henceforth be lawful for the voters of each and every of the said wards, annually, on the same day, and at the same time and place, and under the same regulations that inspectors of the general elections are hereby directed to be chosen, to elect for the wards in which they, the said voters respectively, shall reside, the same number of assessors that each of the several wards in the city of Philadelphia are now by law entitled to elect.

SECTION 8. It shall hereafter be lawful for the citizens of the district of Southwark, to elect one suitable person for

constable in the district, in addition to the four now authorized by law for said district; and the constables of said district shall hereafter be elected in wards, that is to say: it shall be lawful for the voters of each and every of the said wards annually, at the same place where inspectors of the general elections and assessors are hereby authorized to be chosen, and on the same day on which constables in said district are now elected, to elect for the wards in which they, the said voters respectively, shall reside, two suitable persons, who shall be residents of the ward for which they shall be elected, one of whom shall be appointed constable for such ward in the manner now provided by law for appointing constables for said district.

An additional constable, making five in all, to be elected, one in each ward.

SECTION 9. It shall be the duty of the constables of each and every of the said wards, to give notice of the time and place of holding the elections for inspectors of the general elections in their respective wards, by handbills, to be posted up in at least ten of the most public places therein, at least one week before the day of the said elections, and for refusing or neglecting to do the same, each and every of the said constables so offending, shall forfeit and pay to the corporation of the district of Southwark, the sum of fifty dollars, to be recovered as debts of equal amount now are by law recoverable.

Notice of the time & place of holding elections.

SECTION 10. From and after the passage of this act, it shall be lawful for any inhabitant of the said district, who, under the existing laws of this commonwealth, shall be legally qualified to vote in the said district, to vote at the ward wherein he shall reside, but at no other of the said wards.

Electors to vote in their respective wards.

SECTION 11. That the said electors residing in each of the said wards, shall on the second Monday in April next, elect in each of the said wards, at the place by this act provided for holding elections therein, three citizens, whose residence shall be in the wards for which they are elected, to be commissioners of the said district of Southwark; and the said fifteen persons so chosen, shall assemble on the third Monday of the same month at the Commissioner's Hall in the said district of Southwark, and organize their board, when all the powers and authority of the present board of commissioners of the said district of Southwark, shall immediately cease and determine, and become vested in the commissioners to be elected as aforesaid, as fully and entirely as the present board now has and possesses the same, and the commissioners from each ward shall then and there proceed, by wards, to divide themselves, by lot, into three classes; the seats of the first class shall be vacated at the expiration of the first year from and after the said third Monday of April; of the second class, at the expiration of the second year from and after the said third Monday of April; and of

Three commissioners to be elected in each ward.

To be organized.

Classed.

Proviso.

the third class, at the expiration of the third year from and after the said third Monday of April; and on the second Monday of April, eighteen hundred and thirty-seven, and of each succeeding April annually thereafter, an election shall be held in each of the said wards, in manner aforesaid, for a commissioner, to supply the place of him whose time is about to expire; and the five commissioners thus to be chosen on the second Monday of April, eighteen hundred and thirty-seven, and of each succeeding April, shall hold their seats as commissioner for the term of three years: *Provided*, that no commissioner of said district shall serve as guardian of the poor, or member of the board of health, or be concerned, directly or indirectly, in any contract authorized by said board of commissioners, nor shall any commissioner be security for any officer, or for the performance of any contract under said board.

Time of opening and closing election.

Inspectors.

Judges.

Clerks.

Oaths of office.

Rules, etc. same as at general elections.

Returns.

SECTION 12. The polls at the said ward elections for commissioners, shall be opened between the hours of eight and nine in the morning, and shall be closed at eight in the evening; and for the purpose of holding said commissioner's elections, two inspectors for each ward shall be chosen at the place of election, at eight o'clock in the forenoon of said election days, by a majority of the electors then and there present, and the inspectors for each and every of the said wards, chosen as aforesaid, shall choose and take to their assistance, one respectable citizen, qualified to vote, residing in the ward for which he shall be chosen, to be a judge of the election therein; and the inspectors and judge for each and every ward chosen as aforesaid, shall appoint for their respective wards, such and so many clerks of the election, being severally of the age of twenty-one years or more, as they shall deem necessary, and the said inspectors, judges, and clerks of the election, shall severally, before entering upon the duties of their offices, take the oaths or affirmations at present required of inspectors, judges and clerks of the general elections in the said district; and the said commissioner's elections shall be conducted in the same manner, and be subject to the same rules; and they the said inspectors, judges, and clerks of the election, and all other persons concerned in or voting at said elections, or in any way connected with or interfering in the same, shall be subject to, and governed by the same rules, and liable to the same penalties, as are now provided by law, or may be hereafter so provided in relation to the general elections.

SECTION 13. That when each election for said commissioners to be had and held in pursuance of this act, shall be closed, and the number of votes for each candidate shall be ascertained, the said judges of the election shall prepare and make, under their respective hands and seals, full, complete, and accurate returns thereof, in their respective wards,

containing the names of all the candidates, and the number of votes given for each, written in words at length, and shall within two days after the closing of each election, deliver or cause to be delivered, the said returns, together with the tickets, lists of names, tally papers, and other documents, sealed up, to the clerk of the court of general Quarter Sessions of the peace in and for the county of Philadelphia; to be filed in his office, and there safely kept, and shall also, within the time before specified, give notice in writing, under their respective hands and seals, to the commissioners elect, in their respective wards, of their elections.

Notice to the commissioners elect.

SECTION 14. The inspectors, judges and clerks of such commissioners elections, shall receive the same compensation and allowance, as like officers are entitled to for attendance at the general elections in this commonwealth, and shall be paid out of the treasury of the said incorporated district of Southwark, in the usual way.

Compensation of inspectors, judges and clerks.

SECTION 15. It shall be the duty of the sheriff of the city and county of Philadelphia, within two days after this act shall be certified to him, to give public notice by advertisement, to be posted up in at least twenty of the most public places in the said district of Southwark, of the election for commissioners thereof, to be held by virtue of this act, setting forth in such advertisements, the number of commissioners to be elected, and the time and place of holding said elections.

Sheriff to advertise election.

SECTION. 16. That the inspectors of the election for commissioner of the township of Moyamensing, held in the year eighteen hundred and thirty-five, shall act as the inspectors at the election for commissioners of the said township, to be held on the second Friday in May next, and annually thereafter: the inspectors elected in the said township for the general elections of this commonwealth, shall act in the year ensuing such general election, as inspectors of the elections for constables and for commissioners of the said township; the polls for the said elections shall be opened at ten o'clock in the forenoon, and closed at six o'clock in the afternoon.

Inspectors of 1835 to officiate in May, 1836.
Time of opening and closing the polls.

SECTION 17. Every law, or part of any law which is by this act altered or supplied, shall be, and hereby is so far, and no further, repealed and made void.

Repeal.

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The thirty-first day of March, Anno Domini, one thousand eight hundred and thirty-six.

JOS. RITNER.

No. 95.

An Act

Authorizing the Governor to incorporate a company to make a turnpike road from the borough of Birmingham, in St. Clair township, Allegheny county, to a point at or near the mill of Samuel Hamilton, in Mifflin township, in said county, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Robert Burke, Thomas Bakewell, Oliver Ormsley Gregg, John, D. Davis, Elias Phillips, John McClurg, Rinehart A. Bousman, William Noble, Christian Johnson, Samuel Hare, Samuel Hamilton, James Cunningham, Samuel Walker, William Henderson Wightman, Samuel Cochran, Francis McClure, James Barr, Adam Henthorn, Francis C. Flannigan, David Wilson, James Patterson, junior, Colonel James Patterson, James C. Maguire, Alexander McKibben, William O'Leary, Joseph Allen, Thomas Warren, Thomas Snodgrass, and Hezekiah Douthitt, are hereby appointed commissioners to do and perform the several things hereinafter mentioned, that is to say: they shall, on or before the first Monday of May next, procure one or more books, and enter in each of them as follows: "We whose names are hereunto subscribed, do promise to pay unto the president, managers and company of the Birmingham and Elizabethtown turnpike road, the sum of twenty-five dollars for every share of stock set opposite our respective names, in such manner and proportions, and at such times, as shall be determined by the president and managers of said company, in pursuance of an act of the General Assembly of this commonwealth, by which said company is incorporated, for the purpose of making an artificial road from the borough of Birmingham, in St. Clair township, Allegheny county, to a point at or near the mill of Samuel Hamilton, in Mifflin township, in said county; witness our hands, the day of , Anno Domini, one thousand eight hundred and thirty-six;" and shall thereupon give notice, in one or more of the public newspapers printed in the city of Pittsburg, for one calendar month at least, of the times and places in said county, when and where the said books shall be opened to receive subscriptions for the stock of the said company, at which respective times and places, some one or more of the said commissioners shall attend, and permit all persons of lawful age who

Commissioners.

To open books.

\$25 per share.

Who may subscribe.

shall offer to subscribe in the said books, in their own names, or in the name or names of any other person or persons, who shall duly authorize the same, for any number of shares of the said stock; and the said books shall be kept open respectively for the purpose aforesaid, at least six hours in every juridical day, for the space of six days, or until the said books so opened, shall have at least sixty shares therein subscribed; and if at the expiration of the said six days, the books aforesaid, or any one of them, shall not have the number of shares aforesaid, therein subscribed, the said commissioners respectively having charge of said books, may adjourn from time to time, and transfer the said books from place to place, until the whole number of shares shall be subscribed, of which adjournments and transfers, the commissioners aforesaid may, if they think proper, give public notice; and when the whole number of shares subscribed in all the said books, shall amount to six hundred shares, the same shall be closed; *Provided always*, That every person offering to subscribe shall, before subscribing in said books, in his own name, or the name of any other person, pay to the attending commissioner or commissioners, the sum of one dollar for every share to be subscribed, out of which shall be defrayed the expenses attending the taking of such subscription, and other incidental charges, and the remainder shall be paid over to the treasurer of the corporation, as soon as the same shall be organized, and the officers chosen, as hereinafter mentioned.

SECTION 2. When twenty or more persons shall have subscribed one hundred or more shares of the said stock, the commissioners, or any twelve or more of them, shall certify under their hands and seals, the names of the subscribers, and the number of shares subscribed by each, to the Governor, and thereupon, it shall and may be lawful for the Governor, by letters patent, under his hand and seal of the state, to create and erect the subscribers, and if the said subscription be not full at the time, then also those who shall afterwards subscribe to and for the number of shares aforesaid, into a body politic and corporate, by the name, style and title of "the president, managers and company of the Birmingham and Elizabethtown turnpike road," and by the said name the subscribers shall have perpetual succession, and all the privileges and franchises incident to a corporation, and shall be capable of taking and holding their capital stock and the increase and profits thereof, and of enlarging the same from time to time by new subscriptions, in such manner and form as they shall think proper, if such enlargement shall be found necessary to fulfil the intent of this act, and of purchasing, taking and holding to them, their successors and assigns, and of selling, transferring, and conveying, in fee simple or for any lesser estate, all such lands,

Whole number of shares, 600.

Proviso.

When letters patent shall issue.

Proviso. tenements, hereditaments and estates, real and personal, as shall be necessary to them in the prosecution of their works. or for the collection of their tolls, and of suing and being sued, and of doing all and every other matter and thing which a corporation or body politic may lawfully do: *Provided always*, That if the said company shall at any time issue any note or notes in the nature of bank notes, or shall transact any business in the nature or manner of banking then in either of these cases, their chartered privileges shall cease and revert to this commonwealth.

Notice. **Section 3.** The commissioners, as soon as may be after said letters patent shall be sealed and obtained, shall give notice in one or more newspapers printed in the said city of Pittsburgh, of a time and place by them to be appointed, not less than thirty days from the publication of the first notice, at which time and place the said subscribers shall proceed to organize the said corporation, and shall choose, by a majority of votes of the subscribers, by ballot, to be delivered in person or by proxy, duly authorized, one president, six managers, one treasurer and one secretary, to conduct the business of said company for one year, and from thence until the next annual election, and until their successors shall be chosen and organized, agreeably to the provisions of this act; and in case of the death, removal out of the county of Allegheny, or resignation of any president or manager, treasurer or secretary, the board of managers may and shall choose another stockholder to supply the vacancy, until the next annual election of said company, and the said president and managers so to be chosen, and their successors, may and shall make such by-laws, rules, orders and regulations, not inconsistent with the constitution and laws of this state or of the United States, as shall be necessary for the well ordering of the affairs of the said company, and generally shall have like powers, authorities and privileges, and be subject to all the duties, qualifications, restrictions, penalties, fines and forfeitures, and be entitled to like tolls and profits, in proportion to the distance, as are given and granted to the president, managers and company of the Pittsburgh and Greensburg turnpike road, by the several acts of this commonwealth: *Provided*, That if the said company shall not proceed to carry on the said work in three years after the passage of this act, or shall not within five years thereafter complete the said road, according to the true intent and meaning of this act, then, in either of those cases, it shall and may be lawful for the legislature of this commonwealth to resume all and singular, the rights, privileges, liberties and franchises by this act granted to said company.

To organize.

Officers.

Vacancies.

By-laws.

Tolls, etc.

Proviso.

Section 4. That the said commissioners shall have power to extend said road as far as to the ferry landing opposite

the borough of Elizabeth : *Provided*, Such extension be re-Road may be
quired by the citizens, and sufficient stock be subscribed extended.
for that purpose. Proviso.

SECTION 5. That the president, managers and company
of the Somerset and Conemaugh turnpike road company,
may, and they are hereby authorized to increase the capital Somerset &
stock of said company so as to consist of sixteen hundred Conemaugh
shares, or more, if necessary, in order to raise funds to com-turnpike co.
plete said road, of twenty-five dollars per share : *Provided*,
That the additional stock shall be subscribed under and
subject to the same rules, regulations and restrictions pro-Proviso
vided in the first section of the act authorizing the Governor
to incorporate said company, passed the eighth day of April,
eighteen hundred and thirty-three.

NER MIDDLESWARTH,

Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,

Speaker of the Senate.

APPROVED—The thirty-first day of March, Anno Domini,
one thousand eight hundred and thirty-six.

JOS : RITNER.

No. 96.

An Act

Declaring the streets in the town of Mifflinburg, in Columbia
county, public highways, and relating to Duquesne way, Pittsburg,
Gas works, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of
Representatives of the Commonwealth of Pennsylvania in
General Assembly met, and it is hereby enacted by the
authority of the same*, That from and after the passage of
this act, the streets in the town of Mifflinburg, in the county
of Columbia, shall and are hereby declared to be public Streets to be
highways, and as such shall be opened and improved as highways.
other highways of this commonwealth are opened and
improved : *Provided*, That nothing in this section be so
construed as to interfere with private property.

Proviso.

Duquesne
way to be lo-
cated, &c.

Proviso.

Public land
ing.

Tolls or
wharfage.

Two plans of
the way, &c.

SECTION 2. That the select and common councils of the city of Pittsburg be, and they are hereby authorized and required, on application made to them by the petition, in writing, of one or more owners of lots, lying northwardly and westwardly of Penn street, and the eastern boundary of the said city, to define, locate and cause to be opened a public street, to be designated and known by the name of Duquesne way, which shall be of at least forty feet in width, and shall extend, running parallel with Penn street, from the said eastern boundary until it shall intersect Water street, continued on such courses, and for such distance as the said councils shall determine and direct ; (authority being hereby granted to continue and open the same ;) and the distance between the said Penn street, and the said Duquesne way, measured on any line perpendicular to both, shall not be less than four hundred and twenty feet, nor graded more than four feet below the grade of Penn street : *Provided nevertheless*, That before the said way shall be opened, the provisions hereinafter contained for the assessment of damages, and compensation to the owners of lots, shall have first been complied with.

SECTION 3. After the said way shall have been located and opened, according to the provisions of this act, the councils of the city of Pittsburg aforesaid be, and they are hereby authorized to fix and adopt a convenient grade for the space lying northwardly from the line of the said way, and to occupy, fill up, and improve the same, according to the grade adopted ; and the space so graded and lying between the said way and low water mark of the Allegheny river, shall forever thereafter be occupied, used, and employed as a public landing, and the said councils shall have full power to make such rules, regulations and by-laws, regulating the use of the said public landing, as they may think proper, and shall not be inconsistent with the existing laws of this commonwealth, to direct and enforce the collection of such fees, tolls, and duties in the nature of wharfage, as they may deem just and expedient, and to exercise in every respect, over the said public street and public landing, when the same shall be opened, the same powers and authority which they may or can exercise by law over the other public streets and landings within the said city.

SECTION 4. When the said city councils shall have located, and defined by its limits, the said way, according to the provisions of the first section of this act, they shall direct two plans thereof to be made by the city regulator, shewing accurately the location and limits of the said way, together with those of the streets and lots adjacent thereto, the names of the owner being marked thereon, one of which plans shall be kept in the office of the said city regulator, and the other

shall be filed in the office of the clerk of the court of Quarter Sessions of the county of Allegheny, the said plans to be opened at all reasonable times, for the inspection of all persons wishing to examine the same; and the said councils shall cause public notice to be given, in two newspapers published in the said city, for at least two weeks previous to a regular setting of the court of Quarter Sessions in the said county, of the location and intended opening of the said way, and of the places where plans thereof are deposited for inspection; and any person or persons owning lots to which the said way is adjacent, and who shall consider that his, her, or their lot or lots, are or shall be damaged by the said location, may make application, by petition, to the next court of Quarter Sessions following the publication of the said notice, who shall thereupon appoint twelve discreet and disinterested persons, who, being first sworn or affirmed, shall proceed to inquire, on actual view of the premises, whether any, and what damages may or shall be sustained by the persons petitioning, by reason of the opening of the said way; and the said viewers, or a majority of them, shall make a report to the next court of Quarter Sessions of their appraisement of the damage sustained, if any, and of their apportionment of the same among the said owners, which report shall be filed in the said court, and entered at large in the dockets thereof, and shall forever thereafter bind and conclude all persons owning lots adjacent to or affected by the opening of the said way; and the said city councils, so soon as the damages, if applied for and assessed in the manner aforesaid, shall have been paid, under their direction, out of the city treasury, to the persons entitled to receive the same, may immediately thereafter direct the opening of the said way and landing, through the whole distance herein before authorized, or through the square or squares in which the said damages have been paid or unclaimed, within the time aforesaid, in the manner and for the purposes hereinbefore specified, and all lots which, previous to the opening of the said way were bounded by the Allegheny river, shall forever thereafter be bounded by and front on the way herein authorized to be opened.

Notice of location.

Viewers of damages appointed.

Payment of damages.

Boundary of certain lots.

SECTION 5. That the trustees of the Pittsburg Gas works be, and they are hereby authorized to lay the necessary pipes from the works to the city lines: *Provided*, The same do not pass through private property: *And provided*, The like precautions be taken in opening and closing up the highway, as are or may be enjoined in reference to opening and closing up the streets of said city.

Pittsburg Gas works.

Proviso.

SECTION 6. For the violation of any ordinance of the city of Pittsburg, passed for the protection of said property from injury, the party offending, if the offence be committed

Injury to property indictable.

without the city limits, may be punished by indictment in the court of Quarter Sessions of Allegheny county.

Streets to be highways.

Proviso.

SECTION 7. The select and common councils of the city of Pittsburg be, and they are hereby fully authorized and empowered to lay out, open, extend and widen such street or streets, as they may deem necessary to communicate between the public streets of said city and the Pittsburg Gas works, and such street or streets, from the time the same may be declared and ordered by said councils to be opened, extended or widened, shall forever after be deemed, adjudged and taken as public highways, and subject to the same regulation and police as other streets or highways of said city: *Provided nevertheless*, That the owner or owners of ground through which any such street shall be opened, extended, or widened, may proceed in the same manner to obtain indemnification for any injury he or they may sustain thereby, as is directed by the several acts in force, and providing for the opening of public roads in this commonwealth.

Supervisors of roads in Newberry township, York co.

SECTION 8. That the citizens of the township of Newbury qualified to vote for members of the general assembly, shall, at the same time and place that the constables of said township are elected, elect by ballot, three qualified citizens aforesaid, who shall be the supervisors of roads or highways of said township, of whom the highest in vote shall serve three years, the next highest two years, and the next highest one year, and their place respectively be supplied by the annual election of another citizen, qualified as aforesaid, to serve for three years; and if at any time no such election should be held under the provisions of this act, or if any of said supervisors should die, remove from the township, or decline to serve in said office, it shall be the duty of the court of Quarter Sessions to supply such deficiency, and to fill the said office until the next general election.

Oath of supervisors.

SECTION 9. Every supervisor elected or appointed as aforesaid, shall, before he enters on the duties of his office, take and subscribe an oath or affirmation, before some justice of the peace of said township of Newbury, diligently and impartially to perform the several duties enjoined on him by this act, to the best of his judgment and ability, without favor or affection, hatred, malice or ill will, which oath or affirmation, the officer before whom the same is taken and subscribed, shall certify under his hand and seal, and deliver the same to the clerk of the court of Quarter Sessions of the county of York, to be filed in his office, and the justice shall for his service, receive twelve cents and a half.

Supervisors to meet and levy a tax.

SECTION 10. The supervisors shall meet at the place of holding the election, within ten days after their election, and then and there levy and lay the tax authorized by this act, and their duplicate shall be examined and approved by two justices of the peace of said township, (who shall each receive

twenty-five cents as fee for the same,) and at the same time and place, they shall choose one of their number for a collector and treasurer of said tax, authorized by this act, who shall enter into a bond, with security, to his successor in office, for the faithful performance of the same, who shall receive five cents on each dollar collected, (as collector,) and two cents on each dollar paid out of the treasury, who shall hold his office for one year, and at the expiration of said term, shall hand over to his successor in office all monies, papers and books, appertaining or in any wise belonging to said office. and within ten days after said election, yearly, the said supervisors (elect) shall meet as aforesaid, and choose one of their number as a collector and treasurer.

SECTION 11. Each and every person holding real estate in the township of Newberry, through which or adjoining the same a public road or highway passeth, shall keep in good repair such public road, which will exonerate such persons from road tax, and if a public road be a line between two or more persons, they shall divide the same among them; but if they cannot agree so to divide the same, then the supervisors shall meet and divide the same, which shall be final.

SECTION 12. There shall be five days notice given to each person having roads to mend by authority of this act, before they can be indicted, and if they neglect to perform the duty enjoined upon them after such notice, they shall be subject to a fine, not less than four dollars, or more than ten dollars, for every such neglect, to be collected, as other debts are now by law collected; the fines thus collected shall be paid into the hands of the treasurer.

SECTION 13. All persons holding real estate having no public road passing through or adjoining the same, as well as those holding no real estate, shall be subject to a tax of two mills on the dollar upon all property, professions, and occupations, now subject to county rates and levies.

SECTION 14. The petition or petitioners of all new roads or highways within the township of Newberry, after the passing of this act, shall defray the expense of laying out and opening the same.

SECTION 15. All monies arising by authority of this act, shall be appropriated in building and repairing bridges, and making and putting up index boards; also, in mending public roads through unseated lands, owned by persons not residing in the township, the supervisors having power to collect the amount from the owners of the same, and no money shall be drawn from or out of the treasury, but by an order, signed by the two supervisors, and countersigned by a justice of the peace of said township.

Bridges.

SECTION 16. Whenever it is thought necessary and expedient, either by the supervisors or the inhabitants of said township, that a bridge ought to be built, the supervisors shall call a meeting of the taxable inhabitants of the township, to be held at the same place that the general election is now held, by giving ten days notice of said meeting, by at least six handbills, put up in the most public places in the township, signed by at least two of the supervisors; the citizens there assembled shall decide whether a bridge shall be built or not.

Pay of supervisors.

SECTION 17. The supervisors shall have oversight of all the public roads or highways within the township, and settle all disputes arising between landholders, growing out of this act, and for all and singular, the duties enjoined on them by authority of this act; shall receive fifty cents per day, not otherwise provided for.

Hopewell, Lower Chanceford and Springfield.

SECTION 18. The laws now in force for laying out and keeping in repair the roads in the township of Hopewell, in the county of York, be and they are hereby extended to the townships of Lower Chanceford and Springfield, in said county.

Peachbottom

SECTION 19. That from and after the passage of this act, the supervisors of roads in the township of Peach Bottom, and county of York, that now are or may hereafter be elected, shall hold their offices for three years.

How roads are to be repaired.

SECTION 20. The supervisors of said township shall, within one month after their election, (under the penalty of two dollars per day for every day they may neglect to perform the duties hereinafter required,) proceed to lay out the public roads in said township into small sections, the repair of which shall correspond, as near as can be ascertained, to the amount of road tax which may be assessed on said township, and such sections shall be so laid off, that each taxable inhabitant shall have his portion of roads to keep in repair, as near his residence as the nature of the case will admit of, and within ten days after such roads shall have been laid off, in the manner aforesaid, the supervisors shall notify the taxable inhabitants of said township of such apportionment, by public notice, or individually, each section being designated by intelligible numbered marks on said roads.

Repairs to be commenced on ten days notice.

SECTION 21. The taxable inhabitants each, on receiving such notice, shall within ten days thereafter, proceed to put his or their part of said roads in good repair, and shall keep the same in good condition for the term of three years.

SECTION 22. Should any of the taxable inhabitants of said township refuse to accept their share of said roads, as laid off by the supervisors, as aforesaid, or neglect to keep their portion in good repair, when notified thereof, by the supervisors, or any one of them, it shall then be the duty of said supervisors to have such portion repaired, at the cost and

charges of the person or persons so refusing or neglecting In case of to keep in repair his portion of said roads, and the amount neglect, as of said repairs shall be recoverable as other debts of equal perversors to amount are by law recoverable, with costs of suit, and the repair at the supervisor who shall be plaintiff in the case, shall recover cost of the persons ne seventy-five cents per day for each day he may have to glecting. attend on such suits.

SECTION 23. It shall be the duty of the supervisors to Tax to be levy, and collect as heretofore, a sufficient tax for the pur-levied. pose of opening new roads, and other incidental expenses, and shall procure a book, and shall therein have each person's name entered against their section or sections of roads, the boundary of which section shall be carefully noted, which entries shall be binding on the present taxables of said townships, their heirs, executors or administrators, for the above term of three years; and said book shall be deposited with the township clerk, and be open to the inspection and examination of all persons interested in said township.

SECTION 24. All fines or forfeitures which are made by Fines and this act recoverable against the supervisors of said township, forfeitures. shall be sued for and collected before a justice of the peace, upon the complaint of three taxable inhabitants of said township, to one of the auditors, who shall act as plaintiff in Township the case, and said auditor shall receive seventy-five cents auditors. per day for every day necessarily spent in conducting such suit or suits, and all monies so collected, shall be paid to the acting supervisors of said townships, by them to be applied in contingent expenses, to be accounted for and audited as other township accounts.

SECTION 25. The supervisors elected, or to be elected Supervisors according to the provisions of this act, shall receive one pay. dollar per day for each day necessarily employed in the performance of their duty, except as is provided for in the fourth section of this act.

SECTION 26. Any law altered or amended by this act, is Repeal, hereby repealed, as far as regards the said township of Peachbottom, and every supervisor elected under the provisions of this act, shall, before he enters on the duties of his office, take and subscribe an oath or affirmation, before Supervisors' some justice of the peace in the said township of Peach-oath. bottom, diligently and impartially to perform the several duties enjoined on him by this act, to the best of his judgment and ability, without favour or affection, hatred, malice or ill-will, which oath or affirmation the officer before whom the same is taken and subscribed, shall certify under his hand and seal, and deliver the same to the clerk of the court of Quarter Sessions of the county of York, to be filed in his To be filed office, for which service the said justice shall receive twelve and a half cents.

V. Schoch &
Wm. Harvy
authorized to
sell a lot of
ground in
Mechanics-
burg, Cum-
berland co.

SECTION 27. That Martin Keller, Valentine Schoch, and William Harvy, are appointed commissioners, who are authorized and empowered, upon reasonable notice given, to sell and convey a certain lot of ground, and house thereon erected, situated in or near the borough of Mechanicsburg, in the county of Cumberland, and known by the name of the Union school-house property, which said lot John Goosewiler, by his last will and testament, bequeathed to the town of Mechanicsburg, for school purposes: *Provided*, That said commissioners, before making such sale, shall give a bond, with sufficient security, to the president and town council of the borough of Mechanicsburg, for the faithful appropriation, as herein after directed, of the money arising from such sale.

SECTION 28. It shall be the duty of the said commissioners, as soon as said sale shall have been made, to apply the money arising therefrom to the erection of a commodious building for a school-house, within the said borough, for the use of the inhabitants of the same, and within twelve months after such sale shall have been made, to render to the president and council of said borough, a full and correct statement of the receipts and expenditures of the monies arising from the sale of said property.

SECTION 29. That John Taylor and John K. Swisher, administrators of the estate of Ephraim Phillips, late of North Beaver township, in the county of Beaver, deceased, be and they are hereby authorized to execute a deed in trust, to the school directors of North Beaver township, in the county aforesaid, for a certain lot of ground, situated in the said township, adjoining a lot of ground owned by the congregation of Westfield. to be laid off in the manner designated by the deceased in his lifetime, which deed, when so executed, shall be held good and available in law. as vesting the right thereto in the said school directors and their successors, for general school purposes, as if the same had been executed by the said Ephraim Phillips in his lifetime.

SECTION 30. That a street may be and is hereby authorized to be opened from Wolf-lane, through Market-street, in the borough of Bridgewater, to the bridge over Brady's run, in the borough of Fallston, Beaver county, in the same manner, and with the same powers and restrictions, as is provided for opening and continuing of Perry-street in the borough of Birmingham, Allegheny county.

NER MIDDLESWARTH,

Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,

Speaker of the Senate.

APPROVED—The thirty-first day of March, Anno Domini, one thousand eight hundred and thirty six.

JOS. RITNER.

No. 97.

An Act

Authorizing the Governor to incorporate the Somerset and Shanksville turnpike company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That all and several, the rights, privileges, immunities, grants, restrictions, and limitations given to and imposed upon the Butler and Franklin turnpike road company, by an act entitled “An act to incorporate a company for making a turnpike road from Butler to Franklin,” passed the second day of April, Anno Domini, one thousand eight hundred and twenty-two, be and the same are hereby extended to the Somerset and Shanksville turnpike company, to all intents and purposes, and the same is hereby incorporated into a body corporate and politic, by the name, style and title of the Somerset and Shanksville turnpike road company, and the following named persons are appointed commissioners to carry out the provisions of this act, to wit: Jacob Gebhart, George Foy, Jacob Lambert, ors. Jacob Shank, and George Parker: *Provided,* That when twenty or more persons shall have subscribed two hundred shares of stock, the said commissioners may certify, under their hands and seals, the names of the subscribers, and the number of shares subscribed by each, to the Governor of this commonwealth, whereupon, it shall and may be lawful for the Governor, by letters patent, under his hand and seal of the state, to create and erect the subscribers, and those who shall afterwards subscribe, into one body politic and corporate, in deed and in law, by the name, style and title aforesaid.

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The thirty-first day of March, A. D., eighteen hundred and thirty-six.

JOS: RITNER.

No. 98.

A Supplement

To an act entitled "An act to incorporate the Norristown Insurance company, of Montgomery county, and relative to the Norristown Library company, in Montgomery county," and to enable the commissioners of Dauphin county to sell the Lancasterian school house in said county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That each stockholder shall be individually liable for the full amount of stock subscribed or held by said individual and not paid in, to any person or persons having claims against the company for losses, but no stockholder shall be considered liable for more than the full amount of stock by such stockholder actually held.

Liability of
stockholders.

Duties of
commission-
ers.

SECTION 2. The commissioners named in the first section of the act to which this is a supplement, or a majority of them, are hereby authorized to open books for the purpose of receiving subscriptions to the stock of said company, at such place or places within the county of Montgomery, and at such time or times, as said commissioners shall appoint, of which time and place, public notice shall be given, agreeably to the provisions of said first section of the act to which this is a supplement.

Norristown
Library
company.

SECTION 3. That the annual general meeting of the members of the Norristown Library company, shall be held on the first Tuesday in January, in the year one thousand eight hundred and thirty-seven, and on the first Tuesday in January thereafter, forever, for the same purposes as are specified in the charter of said company; and so much of the charter of said company as requires the annual meeting thereof, to be held on the first Saturday in January, in each and every year, is hereby repealed: *Provided,* That if the members of the said company shall fail to meet on the first Tuesday in January in any year, it shall be the duty of the treasurer, secretary, and librarian of said company, or either of them, to appoint some other day for the meeting of said members, for the purposes aforesaid, giving at least ten days notice thereof, in two or more of the public newspapers published in said borough.

SECTION 4. That the act entitled "An act to repeal the fourth section of an act passed the ninth day of April, one thousand eight hundred and thirty-three, entitled 'An act supplementary to an act entitled An act to enlarge the public buildings of the state penitentiary, for the Eastern

district, and for other purposes, passed the twenty-eight day Repeal. of March, Anno Domini, one thousand eight hundred and thirty-one," passed the first day of April, one thousand eight hundred and thirty-four, be and the same is hereby repealed, Lancasterian and the fourth section by said act repealed, is hereby revived, school house, so far as respects the Lancasterian school house in the of Dauphin county of Dauphin, and no further. county.

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The thirty-first day of March, Anno Domini, one thousand eight hundred and thirty-six.

JOS: RITNER.



. No. 99.

An Act

Relative to the borough of Pottsville.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passage of this act, the town council of the borough of Pottsville, in the county of Schuylkill, are authorized and directed to make their duplicate for borough taxes, from the assessment and valuation made on property within said borough for county rates and levies.*

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The thirty-first day of March, Anno Domini, one thousand eight hundred and thirty-six.

JOS : RITNER.

No. 100.

A Supplement

To the act entitled "An act to incorporate and endow the Pennsylvania Institution for the instruction of the Blind."

Repeal of
part of orig-
inal act.

Enumeration
of the blind.

SECTION. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the Governor is hereby authorized and required to draw his warrant on the State Treasurer, in favour of the president of the Pennsylvania Institution for the instruction of the blind, for the sum of two hundred dollars for every indigent pupil of this commonwealth taught in the school of said institution, the said sum to be paid according to the provisions of the fourth section of the act to which this is a supplement; and so much of the said section as relates to the semi annual payments, be and is hereby repealed.

SECTION 2. It shall be the duty of the assessor or other officers employed in executing the provisions of an act entitled "An act to provide for the enumeration of the taxable inhabitants and slaves within this commonwealth," and the supplement thereto, at the same time to make out a separate list of the blind persons, if any resident in their respective townships, towns, wards or districts, distinguishing their sexes, colours, and as nearly as may be, their several ages; and it shall be the duty of the commissioners of the several counties to make returns thereof to the Governor, pursuant to the provisions of the second section of the act the title of which is recited in this section.

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The thirty-first day of March, Anno Domini, one thousand eight hundred and thirty-six.

JOS. RITNER

No. 101.

An Act

To increase the salaries of the President Judge of the fifth Judicial District, and of the Judge of the District Court of the county of Allegheny.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the first day of May next, the president judge of the fifth judicial district, composed of the county of Allegheny, and also the judge of the District Court of the county of Allegheny, shall each receive a yearly compensation of four hundred dollars, in addition to the salaries now payable to them respectively by law.

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The thirty-first day of March, Anno Domini, one thousand eight hundred and thirty-six.

JOS: RITNER.

No. 102.

An Act

For the relief of Jacob Wise and others, soldiers and widows of soldiers of the revolutionary war.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the State Treasurer be, and he is hereby authorized and required to pay to Jacob Wise of Juniata county, Jacob Vanartsdalen of Bucks county, Jacob

Annuities & gratuities of \$40 each to Jacob Wise and others.

Gratuity of \$40 to Gideon Shaw.

Bordner of Berks county, Jacob Sallade of Dauphin county, John Gasser of Lebanon county, Henry Kieffer of Indiana county, Peter Blanck of Columbia county, soldiers, and Eleanor Blair and Sarah Davis of Westmoreland county, Dorothy Snyder of Schuylkill county, Eve Gensimer and Mary Strohl of Lancaster county, Magaret Smith of Indiana county, Sarah Lewis, Jemima Swords and Mary Fulton of Fayette county, Mary Fulmer, Mary Myers and Mary Hubert of Philadelphia county, Mary Campbell of Northumberland county, widows of soldiers of the revolution war, or to their respective orders, a gratuity of forty dollars each immediately, and an annuity of forty dollars to each during life, payable half yearly, to commence on the first day of January, one thousand eight hundred and thirty-six.

SECTION 2. The State Treasurer is hereby authorized and required to pay to Gideon Shaw of Bucks county, a gratuity of forty dollars immediately, in full for his revolutionary services ; the foregoing gratuities and pensions to be paid in conformity with the existing laws.

NER MIDDLESWARTH,

Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,

Speaker of the Senate.

APPROVED—The thirty-first day of March, Anno Domini, one thousand eight hundred and thirty-six.

JOS: RITNER.

No. 103.

A Supplement

To the act entitled "An act directing the sale of certain town lots in the town of Beaver, and other lands adjacent thereto," and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the commissioners appointed to sell certain lots in the town of Beaver, and other lands adjacent thereto, by an act passed the fifteenth April, one*

ousand eight hundred and thirty-four, entitled "An act recting the sale of certain town lots in the town of Beaver, and other lands adjacent thereto," be, and they are hereby authorized to pay over the balance of the proceeds of the sale of said lots, not already paid into the treasury, to the burgess and town council of the borough of Beaver, for the purpose of supplying the borough with water, by means of cast iron pipes: *Provided*, The same shall not exceed fifteen hundred dollars. *Proviso*

SECTION 2. That Thomas Henry, the only survivor of the *Thos. Henry,*
commissioners appointed by an act of assembly, passed the *surviving*
ninth day of April, one thousand eight hundred and twenty- *commission-*
ix, to make sale of certain out lots in the reserve tract of *er, author-*
land at the mouth of Big Beaver, in the county of Beaver, be, *ized to collect*
and he is hereby authorized to collect all such balances of pur- *balances.*
chase money as may be owing for any of said lots, and he may
sue in his own name, for the use of the commonwealth; and
upon the payment of the debts and interest in any case where
suit is brought, he shall enter satisfaction therefor upon the
docket of the justice of the peace, or prothonotary, as the
case may be.

SECTION 3. That the church wardens of the Protestant Episcopal *Episcopal*
church of Morgantown, in the said county of *Church of*
Berks, or a majority of them, are hereby authorized and *Morgantown,*
empowered to sell said lot of ground, for the best price that *Berks co.*
can be had therefor, and convey the same to the purchaser
or purchasers thereof: *Provided*, That the said wardens, *Proviso.*
and their successors in the wardenship for the time being,
forever, shall loan the proceeds of the sale thereof, on
mortgage or other sufficient security, and apply the interest
annually to church purposes.

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The thirty-first day of March, Anno Domini,
one thousand eight hundred and thirty-six.

JOS: RITNER.

No. 104.

A Supplement

To an act entitled "An act relating to Inspections." approved on the fifteenth day of April, one thousand eight hundred and thirty-five.

Corn meal. **Boards and plank.** SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That corn meal liable to be inspected may be bolted or sifted, and the inspector or manufacturer of flour, shall not mark or stamp the month on the casks in which it was inspected, and that boards or plank may be exported without being square edged.

Susquehanna and Delaware flour. SECTION 2. Nothing in the act to which this is a supplement, shall be so construed as to require the inspection, proving or branding of flour or meal, of any kind, shipped or laden on the waters of the Susquehanna and Delaware, and their branches, and intended to be transported by the waters of said rivers to a market out of this state, but within the limits of the United States.

Repeal. SECTION 3. So much of the eighth section, so much of the twenty-sixth section, and so much of the thirty-first and thirty-second sections, and so much of the one hundred and fifty-seventh section of the act to which this is a supplement, as is hereby altered, and all other acts and parts of acts relating to inspections, except this act and the act to which this is a supplement, be and the same are hereby repealed.

Relative to foreign produce. **Proviso.** SECTION 4. That the true intent and meaning of the various sections of the act to which this is a supplement, relating to foreign produce imported into this state, and thence exported, are declared to be, that no produce imported into this state from any other state or country, shall be liable to inspection prior to exportation from this state, if marked or branded with the name of the state or country whence it was originally exported, though the mark or brand may have been affixed thereto after its importation within this state: *Provided,* That nothing herein contained shall be construed to repeal any of the provisions of the said act, imposing penalties for the false marking or branding, or exporting produce raised or manufactured within the state, without inspection: *And provided further,* That nothing herein con-

l be so construed as to prevent the inspection of foreign
duce, when it is desired by the purchaser or exporter.

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The thirty-first day of March, Anno Domini,
thousand eight hundred and thirty-six.

JOS : RITNER.



No. 105.

A Further Supplement

the act entitled "An act authorizing the Governor to incorporate
the Bald Eagle and Spring creek Navigation company, and to
authorize the Canal Commissioners to construct a canal round the
abutments of the bridge at Bairdstown.

SECTION 1. *Be it enacted by the Senate and House of
Representatives of the Commonwealth of Pennsylvania in
General Assembly met, and it is hereby enacted by the
authority of the same, That it shall and may be lawful for Bald Eagle
the president, managers and company of the Bald Eagle and & Spring
Spring creek navigation company, by virtue of this act, creek Navi-
and under such by-laws, rules and regulations, with proper gation co.
and necessary penalties, as they may adopt for that purpose,
permit and cause the captain or commandant, or persons
navigating any boat or other crafts, passing up as well as
own the said navigation, or any part thereof, to open and
at the locks, gates, or other devices on the said navigation,
ed to pass their boats and other craft through and along the
id navigation, any thing in the seventeenth section of the
et to which this is a supplement to the contrary notwith-
standing: *Provided*, That no penalty shall exceed the sum *Proviso*.
twenty-five dollars.*

SECTION 2. The provision of the act entitled "An act to Act of April
protect the public in full benefit and enjoyment of the works 19, 1836, ex-
constructed for the purposes of inland navigation," passed tended to this
the tenth day of April, one thousand eight hundred and company.
twenty-six, be and the same is hereby extended to the Bald

Governor to
appoint four
managers.

The compa-
ny may bor-
row \$75,000
to complete
their works.

Proviso.

Common'ly.
to be a stock-
holder.

Canal, at the
bridge of
Bairdstown,
may be made.

Eagle and Spring creek navigation, and every part thereof as fully and effectually as if the same had been embodied in the act of incorporation of said company; and it shall be the duty of the Governor, on the part of the commonwealth, on or before the first Monday of June, eighteen hundred and thirty-six, and annually thereafter, to appoint four of the managers provided for in the third section of the act incorporating the Bald Eagle and Spring creek navigation company, passed the fourteenth day of April, eighteen hundred and thirty four.

SECTION 3. To enable the said corporation to perfect and complete the navigation, it shall be lawful for the president and managers of the said company to borrow, on mortgage on the said navigation, or otherwise, on the faith of the tolls, after the payment of necessary repairs and incidental expenses, any sum or sums of money not exceeding in the whole the sum of seventy-five thousand dollars, from any person or persons, bodies politic and corporate, within the commonwealth, and it shall be the duty of the said company to pay the interest semi-annually, and liquidate and discharge the principal as fast as the finances of the said company will permit and allow, and create a sinking fund for that purpose, and the monies so borrowed shall be expended in perfecting the said navigation, and in discharging all just and proper claims and demands against the said company, but not otherwise: *Provided*, That so often as the commonwealth shall pay, or may have paid any interest on the loan or stock of said company, under the guarantee of the seventh of April, eighteen hundred and thirty-five, certificates of stock for the sum or sums thus paid shall be issued to the commonwealth, who shall be a joint stockholder therein, according to the sums thus paid.

SECTION 4. That the Canal Commissioners are hereby authorized and required, as soon as practicable after the passage of this act, to examine into the situation of the canal at the bridge at Bairdstown, in Westmoreland county, and if they shall think it necessary and expedient, to proceed without delay to construct such canal or cut round said bridge, at said place, as they may think proper, in order to insure the free and safe navigation of the canal at said point, and that a sum not exceeding two thousand dollars is hereby appropriated for the purpose.

NER MIDDLESWARTH,
Speaker of the House of Representatives.
THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The thirty-first day of March, Anno Domini, one thousand eight hundred and thirty-six.

JOS: RITNER.

No. 106.

An Act

To revive and amend an act entitled "An act to authorize the Sandy and Beaver Canal company to extend a canal into Pennsylvania," passed the fourteenth day of April, one thousand eight hundred and twenty-eight.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That all the provisions of the act entitled "An act to authorize the Sandy and Beaver canal company to extend a canal into Pennsylvania," passed the fourteenth day of April, one thousand eight hundred and twenty-eight, be and the same are hereby revived and continued in full force, subject to the limitations and amendments hereinafter set forth. Sandy and Beaver canal company.

SECTION 2. The said canal company are hereby authorized and empowered to make an outlet lock or locks, into the river Outlet locks into Ohio. Ohio, at the termination of the said canal, and at or near the mouth of Little Beaver creek, in the state of Pennsylvania.

SECTION 3. This act shall be void, if the said company Time of commencing and completing canal. does not commence active operations on that part of the proposed canal in Pennsylvania, within the period of one year from and after the passing of this act, or having commenced operations as aforesaid, shall not complete the said canal to the mouth of Big Beaver creek, within two years after such commencement.

SECTION 4. The directors or managers of the said company shall have power and authority to borrow, from individuals or bodies corporate, such sums of money as may be necessary for the completion and repair of the said canal, and that the shares of stock of the said canal shall be transferable on the books of the company, as the stock of other companies incorporated by the laws of this commonwealth, and be deemed to be personal property. The directors may borrow money to complete the canal.

SECTION 5. The said company shall at no time take, or cause to be taken, any portion of the water from the Big Beaver, for the supply of the canal, or other purposes, without the consent first had and obtained of the state of Pennsylvania. The waters of the Big Beaver not to be taken without the consent of Penn'a.

NER MIDDLESWARTH,

Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,

Speaker of the Senate.

Approved—The first day of April, A. D. eighteen hundred and thirty-six.

JOS: BITNER.

No. 107.

A n A c t

Authorizing Jonas Preston, of the city of Philadelphia, to erect a bridge over the Susquehanna, at or near M'Call's Ferry.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That it shall and may be lawful for Jonas Preston, his heirs and assigns, to erect, build, maintain and support, a good and substantial bridge, of wood, iron, or such other material as may be judged adequate and suitable, over and across the river Susquehanna, on his own land, on or near the site of the former bridge, near M'Call's Ferry, and the property of the said bridge, when built, shall be and the same is hereby vested in the said Jonas Preston, his heirs and assigns, forever; and the said Jonas Preston and his heirs and assigns, may demand and receive toll from travellers and others, not exceeding the following rates. viz:

Rates of toll. for every coach, landau, chariot, phaeton, or other pleasurable carriage with four wheels, drawn by four horses, one hundred cents, and so in proportion if more horses are added; and for the same carriages, with two horses, seventy-five cents; for every wagon with four horses, when loaded, one hundred cents, and so in proportion if more horses are added; for every loaded wagon with two horses, seventy-five cents; for every chaise, riding chair, cart, or other two-wheeled carriage with two horses, fifty cents, and for the same with one horse, thirty-five cents; for every sleigh or sled with four horses, one hundred cents, for the same with two horses, sixty cents, and for the same with one horse thirty cents; for every single horse, with or without rider, ten cents; for every foot passenger five cents; for every head of horned cattle five cents; for every sheep or swine two cents; empty carriages of burthen to pass for half toll, and a due proportion of the above tolls to be added to the sum chargeable for carriages of burthen laden with more than two tons; two oxen to be charged as one horse; children going to or returning from school, funerals and places of public worship, to pass free:

Proviso. *Provided always nevertheless,* That nothing in this act contained shall extend to authorize the said Jonas Preston to erect the same in such manner as in any way to impede or interrupt the navigation of the said river.

Penalty for injuring the bridge.

SECTION 2. If any person or persons shall wilfully pull down, break or destroy, with intent to injure, any part or parts of the said bridge, or any abutment, pier, toll-house,

gates, bars, or other property, appurtenant to or erected or made for the use and convenience of the said bridge, or any persons employed in conducting the business thereof, he, she or they so offending, shall each pay to the supervisors of the highways of the township wherein the offence is committed, the sum of twenty dollars, to be sued for and recovered before any justice of the peace, in like manner as debts under one hundred dollars may be sued for and recovered; and the offending party shall remain liable for further damages, for such torts as will be sufficient to repair the injury, and pay all costs.

SECTION 3. The said Jonas Preston, his heirs and assigns, ^{Septennial} every seventh year from completing the said bridge, shall ^{accounts to} lay before the court of Quarter Sessions of Lancaster county, ^{be laid before} an abstract of his accounts, including the capital expended, ^{the court of} and of the income and profits of the same, and if it shall ^{Quarter Ses-} appear at the end of either of the said septennial periods, ^{sions of Lan-} that the profits shall have exceeded twenty-five per centum ^{caster co.} per annum on the capital expended, the toll shall be reduced, so that the clear profits shall not exceed twenty-five per centum per annum on the capital stock expended thereon.

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM.
Speaker of the Senate.

APPROVED—The first day of April, A. D. eighteen hundred and thirty-six.

JOS: RITNER.

No. 108.

An Act

To incorporate the "Pennsylvania Hotel company."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the*

authority of the same. That Joshua Lippencott, John Moss, John Siter, Joseph Gratz, Wm. D. Lewis, and Caleb Cope, jr. and their associates, and all persons who now are, or hereafter may be holders of the stock hereinafter mentioned, shall be, and they are hereby declared to be constituted a body corporate, by the style of the "Pennsylvania Hotel Company;" to have perpetual succession, to be capable in law of suing and being sued, to have a common seal, and the same to alter and renew at pleasure, and to take, hold, and by their representatives and lessees to enjoy, such real estate as may be necessary and proper for the construction of a building for the Pennsylvania Hotel, in the city of Philadelphia, and for the accommodation and use of such other institutions, officers and individuals, as may desire to have apartments therein: *Provided however,* That if the said company, or any of the stockholders, or their lessee, with the knowledge of the company, shall knowingly permit any intoxication or gambling in their said house, the privileges hereby granted shall cease.

Proviso.

Capital stock SECTION 2. The capital stock of the said corporation shall not exceed six hundred thousand dollars, divided into twelve hundred shares, of five hundred dollars each, and that it shall be held as personal property, and as such be transferred, under such regulations as the corporators shall judge convenient.

\$600,000, in
shares of
\$500 each.

*General
meeting of
the corpora-
tors.*

SECTION 3. A general meeting of the corporators shall be annually held on the first Monday of December, for the election of nine managers, and the transaction of other business; but if such meeting or election shall not then take place, the corporation shall not for that cause be dissolved, but such meeting or election shall take place as soon thereafter as may be, one weeks public notice thereof being first given, in at least three daily newspapers in the city of Philadelphia.

Election.

SECTION 4. The election of managers shall be by ballot, from among the corporators, and that in the enactment of by-laws for the government of the corporation and its officers, and in the decision of all questions, whether of election of officers or disfranchisement of corporators, either because of their delinquency in paying for the amount of stock by them purchased of the corporation, or for other causes, and on all other questions at the meetings of the corporation, the corporators present, either in person or by proxy, shall severally vote once for each share of stock held by them: *Provided,* That no stockholder, either in his own right or by proxy, shall be entitled to more than ten votes, whatever number of shares of stock he may be entitled to.

Proviso.

SECTION 5. The managers shall continue in office until their successors be appointed, shall elect a president from among themselves, shall supply vacancies in their number,

Vacancies.

whether occasioned by death, resignation, or refusal to act, and shall have the general and entire control of the affairs and interests of the company, except so far as may be otherwise provided by the incorporators; five members shall be a Quorum at these meetings.

SECTION 6. The said corporation shall not, directly or Banking, directly, engage in any banking, commercial, manufactur-mining, &c. g, or mining concern, and shall have such powers only as prohibited. may be proper and convenient for holding, constructing, ing, and beneficially enjoying the property hereinbefore referred to, and in the income and proceeds thereof.

SECTION 7. Until other officers shall be duly elected, the Managers. persons named in the first section of this act shall be held to be the managers of the said corporation, and shall have power and authority as such.

SECTION 8. If the said corporation shall at any time here-Legislature ter misuse or abuse any of the chartered privileges-hereby may resume wanted, the legislature may at any time, resume all and sin-the rights, lar, the rights, liberties, privileges and franchises hereby etc. wanted to the said company.

NER MIDDLESWARTH,
Speaker of the House of Representatives.
THOMAS S. CUNNINGHAM,
Speaker of the Sena

APPROVED—The first day of April, Anno Domini, one thousand eight hundred and thirty-six.

JOS: RITNER.

No. 109.

An Act

to confirm the title to certain real estate in the county of Philadelphia, and to authorize Robert M'Coy, guardian of George and Sarah Parkinson, to sell a certain lot of ground in the borough of Mechanicsburg, in the county of Cumberland.

WHEREAS, William G. Palmer, and Moses G. Palmer, Preamble minor children of William P. Palmer and Martha G. Palmer, relative to deceased, formerly Martha Gray, daughter of William Gray, the Palmer's estate. n of George Gray the elder, become entitled upon the estate. cease of their mother, and partition duly made, to a tract

or piece of land hereinafter described, subject to the interest of the said father: *And whereas*, The said land being only woodland, it was the opinion of all disinterested persons, that it would be more to the interest of the said minors, to have a sale of their property, and the amount invested for the benefit of the said minors: *And whereas* In order to effect this desirable object, the said William P. Palmer, the father, and William Gray of Delaware county, doctor of medicine, and guardian of the persons and estates of the said minors, did by deeds, grant and convey the said premises, in fee simple, to George G. Thomas of the county of Philadelphia, for the consideration of seven hundred and eighty-eight dollars, and the said William P. Palmer, had assigned his life interest in the said purchase money, for the benefit of his said children; and it is necessary to procure an act of the legislature to confirm a sale, and execute a deed so advantageous to the said minors: Therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same:* That the deed from William P. Palmer of Montgomery county, in the state of Maryland, doctor of medicine, and William Gray of Delaware county, in the state of Pennsylvania, doctor of medicine, and guardian of the persons and estates of William G. Palmer, and Moses G. Palmer, minor children of the said William P. Palmer and Martha G. Palmer, deceased, formerly Martha Gray, daughter of William Gray, son of George Gray the elder, to George G. Thomas, his heirs and assigns, for a that tract or piece of land, situate in the township of Blockley, in the county of Philadelphia and state of Pennsylvania, adjoining lands of Martha G. Grub and James Molany, and lying on the new road opened on the former site of the old turnpike road leading to New London, and crosses at Chad Ford, containing about six acres and one hundred and fifty two perches, bearing date the tenth day of September, in the year of our Lord, one thousand eight hundred and thirty five, be and the same is hereby confirmed, and made valid and effectual in law, to all intents and purposes, as if the minors had been of full age and had duly signed, sealed, delivered and acknowledged the said deed in their own proper person.

Sale of the
estate confirmed.

R. M'Coy,
guardian of
John Parkinson's minor
children, authorized to
sell a lot of
ground.

SECTION 2. That Robert M'Coy, guardian of George Parkinson and Sarah Parkinson, minor children of John Parkinson, shall have power to sell all the right, title and interest of said minors, in and to a certain lot of ground situated in the borough of Mechanicsburg, in the county of Cumberland, being number seven in the plan of additional lots of said borough, with the appurtenances thereunto belonging, and to execute a deed of conveyance to the purchaser.

user or purchasers, of all such interest as said minors may
 ve in said lot: *Provided*, 'That before any such sale is *Provided*.
 de, the said guardian shall give bond, in such sums, and
 in such security as the Orphans' court in and for the said
 nty of Cumberland shall approve, upon condition that he
 ll faithfully account for the proceeds of said sale.

NER MIDDLESWARTH,
 Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
 Speaker of the Senate.

APPROVED—The first day of April, Anno Domini, one
 usand eight hundred and thirty-six

JOS : RITNER.



No. 110.

An Act

incorporate the Lewisburg, Penns Valley and Hollidaysburg
 Railroad company.

SECTION 1. *Be it enacted by the Senate and House of
 representatives of the Commonwealth of Pennsylvania in
 eral Assembly met, and it is hereby enacted by the
 thority of the same, That Simon Gratz, George Handy, Commission-
 William H. Keating, Joseph T. Mather, Mathew C. Rals-ers.
 a, Robert M'Affee, T. M. Moore, John Oakford, Montgomery
 Young, of Philadelphia, James Cameron and George
 wis Mayer of Lancaster, Robert Hays, H. S. Graham,
 bott Green, Paul Geddes, John Ray, Henry Yerick, John
 Wilson, Henry Roush, Frederick Pontius, John Glover,
 omas Weirick, Robert G. H. Hays, Samuel Reber,
 mes Keller, Peter Nevins, J. F. Linn, Daniel Spigelmyer,
 muel Haupt, Jacob Maise, Jackson M'Fadden, William
 imeron, George Maxwell, Jonathan Spiker, George F.
 iller, Philip Ruhle, Daniel Renschler, Levy B. Christ,
 ary Noll, Jonathan Nesbitt, William L. Harris, Michael
 ash, William Eilert, Charles Bellman, James Merrill,
 ac S. Vorse, Samuel Dreisback, Israel Gutelius, James
 ilden, David Kleckner, William Forster, William Sense-
 m, John Forster, John Vanvalzah, Joseph R. Lotz, Philip*

Commission-
ers.

To procure
books.

Form of sub-
scription.

Shares \$50
each.

Notice.

Who may
subscribe.

Seibold, Alexander M'Clure, Joseph Hutchison, and Samuel Aurand of Union county, John Motz, James Duncan, John Forster, George Hubler, Jacob Bolinger, Jacob Kryder, Jacob Neidig, James Allison, Philip B. Moser, John Shafer, George Reitzel, John Forster, jr., William Allison, David Duncan, George Buchanan, D. W. S. Kook, Peter Wilson, George Herring, James Barber, Daniel Kline, William J. Wilson, Andrew Gregg, James Potter, William Ward, James Johnston, John Irwin, George Sheneberger, George Boal, Robert A. Whitchill, John Mitchell, Joseph Green, M. D. Gregg, Charles Carpenter, Daniel O'Brien, John Barran, William Bailey, John Campbell, Henry Hubler, John Bell, John Keller, Philip Ritzel, Anthony Wolf, Jacob E. Stoever, William Roush, Samuel Strawecker of Centre county, William Murray, David Stewart, Thomas Wallace, Gilbert L. Lloyd, Robert G. Stewart, Maxwell Kinkhead, James Clark, John S. Isett, Edward Bell, James Crawford, Peter Hewet, Christian Garber, Hon. Joseph M'Keene, Doctor James Coffee, William Donaldson, John David, James M'Cahan, John Brotherline, Robert M'Kee, Joseph Kemp, Jacob Snyder of Hollidaysburg, Alexander W. Vicker, Philip Hileman, John Weistling, and David H. Moore of Frankstown, and Thomas Loyd, Jr. and James Thompson of Birmingham, William Nesbit, Robert H. Hammond, James Hepburn, C. G. Donnell, A. Jordan, Hugh Bellas of Northumberland county, and of Huntingdon county, or a majority of them, be and they are hereby appointed commissioners to do and perform the several things hereinafter mentioned, to wit: is to say: they shall procure a sufficient number of suitable books, in each of which they shall enter as follows: "We, whose names are hereunto subscribed, do promise to pay to the president and managers of the Lewisburg, Penns Valley and Hollidaysburg railroad company, the sum of fifty dollars for every share of stock set opposite to our respective names, in such manner and proportions, and at such times as shall be determined by the president and managers of the said company, in pursuance of an act of the general assembly of this commonwealth, entitled 'An act to incorporate the Lewisburg, Penns Valley and Hollidaysburg railroad company;' Witness our hands, this day of in the year of our Lord one thousand eight hundred and ;" and shall thereupon give notice, in two newspapers printed in each of the counties of Union, Centre and Huntingdon, and two daily papers in the city of Philadelphia, three weeks at least, of the times and places when and where the said books shall be kept open to receive subscriptions for the stock of the said company, at which respective times and places, one or more of the commissioners shall attend, and permit all persons of lawful age who shall offer to subscribe in the said books, in their own name, or in the

name of any other person who shall authorize the same, for any number of shares in the said stock, and the said books shall be kept open respectively for the purpose aforesaid, at least six hours in every juridical day, for the space of six days, or until there shall have been subscribed fifteen thousand shares, and if at the expiration of six days, the books aforesaid shall not have the number of shares aforesaid therein subscribed, the said commissioners may adjourn from time to time, and transfer the book or books elsewhere, until the whole number of fifteen thousand shares shall be subscribed, of which adjournment and transfer, the commissioners aforesaid shall give such public notice as the occasion may require, and when the whole number of shares shall be subscribed, then the books shall be closed; but no subscription shall be valid, unless the person so subscribing, shall pay to the said commissioners at the time of making the same, the sum of \$5 to be paid five dollars on each share, for the use of the company: *Pro-Provido.* That on the first day the books shall be so opened, no person shall be permitted to subscribe, in his own name, or in the name of another, for more than twenty shares of the said stock.

SECTION 2. When four thousand shares or more of the said stock shall be subscribed, and five dollars on each share paid to the commissioners, the said commissioners, or a majority of them, may certify the same under oath or affirmation, to the Governor, whereupon, the Governor shall, by letters patent, under his hand and the seal of the commonwealth, create and erect the subscribers, and if the subscription be not full at the time, then also those who shall thereafter subscribe to the number of shares as aforesaid, into a body politic and corporate, in deed and in law, by the name, style and title of "The Lewisburg, Penn's Valley, and Hollidaysburg railroad company;" and by the same name the subscribers shall have perpetual succession, and be able to sue and be sued, implead and be impleaded, in all courts of record and elsewhere, and to purchase, receive, have, hold and enjoy, to them and their successors, lands, tenements and hereditaments, goods, chattels, and all estate, real, personal or mixed, of whatever kind or quality soever, and the same from time to time to sell, mortgage, grant, alien or dispose of, and to make dividends of such portions of the profits as they may deem proper; and also, to make and have a common seal, and the same to alter or renew at pleasure; and also, to ordain, establish, and put in execution such by-laws, ordinances and regulations, as shall appear necessary and convenient for the government of the said corporation, not being contrary to the constitution and laws of the United States or of this commonwealth, and generally, to do all and singular, the matters and things which to them it shall lawfully appertain to do for the well being of the said corporation,

Proviso.

and the due management and ordering the affairs of the same: *Provided*, That nothing herein contained shall be considered as in any way giving to the said corporation any banking privileges whatever, or any other liberties, privileges or franchises, but such as may be necessary or incident to the making and maintaining of the said railroad.

Route.

SECTION 3. The president, managers and company of the said railroad company, shall have power to survey, lay down, ascertain, mark and fix such route as they shall deem expedient for a double or single railroad, beginning at Lewisburg, in Union county, through Buffalo Valley and Penn's Valley, to a point at or near the eastern termination of the Portage railroad, having due regard to the situation or nature of the ground, and of the buildings thereon, the public convenience, and the interest of the stockholders, and so as to do the least damage to private property; and the said road shall not pass through any burying ground nor place of public worship; the said president, managers and company shall, within six months after ascertaining the route of the said railroad, cause an accurate survey of the lines of the said road to be made, a map or plot of which survey they shall cause to be filed in the Secretary's office of this state, which map or plot, or a certified copy thereof, shall be sufficient evidence of the course of said road, which may then be opened.

Map.

Sections of the act of April 4, 1833, made part of this act.

SECTION 4. The third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, nineteenth, twentieth, twenty-first, twenty-second, twenty-fourth, and twenty-fifth sections of the act passed the fourth day of April, one thousand eight hundred and thirty-three, entitled "An act to authorize the Governor to incorporate the Philadelphia and Reading railroad company," be and the same are hereby made a part of this act, as fully and effectually as if the same had been enacted section by section: *Provided*, That the mode of ascertaining damages, provided for in the twelfth section, shall be made in the county where they occur.

Proviso.

Statement to Auditor General.

SECTION 5. That the president and managers of the aforesaid company, shall annually, on the first Monday in December, transmit to the Auditor General a full statement of their affairs, under oath, and shall pay annually into the state treasury, a tax of eight per cent. on all dividends which exceed six per cent. on the stock paid in.

Survey to terminate at Hollidaysburg, instead of Waterstreet.

SECTION 6. That the survey directed to be made by the ninth section of the act entitled "An act to repeal the state tax on real and personal property, and to continue and extend the improvements of the state by railroads and canals, and to charter a state bank, to be called the United States Bank," passed the eighteenth February, eighteen hundred and thirty-six, of the practicability and importance of constructing a railroad from Lewisburg to or near Waterstreet,

be and the same is hereby directed to terminate at or near Hollidaysburg, instead of Waterstreet, as mentioned in said act, and the estimate and report to be made accordingly.

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The first day of April, Anno Domini, eighteen hundred and thirty-six.

JOS: RITNER.



No. 111.

An Act

For the relief of James Caldwell, surviving partner of the late firm of Caldwell and Nice, contractors on the Eastern Division of the Pennsylvania canal.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the Canal Commissioners be, and they are hereby authorized to settle and adjust the claim of James Caldwell, surviving partner of the late firm of Caldwell and Nice, contractors for constructing the outlet locks at Columbia, on the Eastern division of the Pennsylvania canal, upon principles of justice and equity, and that the Auditor General is hereby authorized to audit the same in the way and manner other claims are presented and audited.*

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The first day of April, Anno Domini, eighteen hundred and thirty-six.

JOS: RITNER,

No. 112

An Act

For the relief of Isaac and Abraham Straub.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the Canal Commissioners be, and they are hereby directed, authorized and required, to ascertain whether any damage is done by the ice and water backing upon mills belonging to Isaac and Abraham Straub, opposite Milton, in the West Branch of the Susquehanna, occasioned by the state erecting the Lewisburg cross-cut dam, and if they shall be of opinion damage has been done to said mills from the erection of the said dam, the commissioners are required, as soon as possible, to raise the water by means of a dam or dams at the head of the Milton islands, so as to overcome the injury done to said mills: *Provided,* no obstruction shall be placed in the channel between Hammond's island and the Eastern Shore: *And provided,* that the whole expense of such dam or dams shall not exceed two thousand dollars: *Provided,* That the said commonwealth shall not be liable to keep the said dams in repair: *And provided further,* That the said A. and I. Straub release all claim to damages which has, or may hereafter arise in consequence of the erection of the said dam or dams.*

Proviso.

2d Proviso.

3d Proviso.

4th Proviso.

NER MIDDLESWARTH,

Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,

Speaker of the Senate.

APPROVED—The first day of April, Anno Domini, one thousand eight hundred and thirty-six.

JOS: RITNER,

No. 113.

A Supplement

To an act entitled "An act to authorize Elizabeth R. Olden, guardian of Joseph Olden, a lunatic, and Mary Hoffmaster, to sell and convey certain real estate, and for other purposes."

WHEREAS, by an act of the last legislature, passed eleventh Preamble. day of April, one thousand eight hundred and thirty-five, Mary Hoffmaster was authorized and empowered, by and with the consent of her trustee, George M. Dallas, to sell and convey, on mortgage, such part or parts of her estate, or such part or parts of the estate as the said George M. Dallas holds in trust for her, as the said trustee may deem expedient: *And whereas*, it has been represented and ascertained, that it was the intention of the legislature to authorize the said Mary Hoffmaster and her trustee, either to sell and convey, or mortgage the said estate; Therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the true intent and meaning of the said act is hereby declared to be, to authorize and ^{Authority to} sell the or-empower the said trustee, and cestui que trust, to sell and ^{tate.} convey, or mortgage, such part or parts of the said estate as the said cestui que trust and her trustee may deem expedient.

SECTION 2. That the inspectors of the Philadelphia county ^{Duties of the} prison, shall cause such convicts as are now confined in the ^{inspectors of} prison on Arch street, in said county, who by their sentences ^{Philadelphia} are not subject to the punishment of separate or solitary ^{county pris-} confinement, and such of the convicts as by their sentences ^{on relative to} are subject to labor, or hard labor, for part of their term of ^{certain con-} imprisonment, and to separate or solitary confinement for the other part of the term of their imprisonment, to be removed therefrom to the Philadelphia county prison; and the convicts so removed, shall be kept and undergo their respective sentences until the expiration of their respective terms of imprisonment, or be otherwise legally discharged, in all respects conformably and according to their respective sentences, and so much of the several acts of assembly, establishing or regulating the jail of the city and county of Philadelphia, as requires the application of separate or solitary confinement to convicts therein imprisoned, shall be suspended, so far as respects the above described prisoners, during the terms of their imprisonment, so that the sentences of such removed convicts may in all respects be carried into

strict and exact execution, in the prison to which they shall be so removed.

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The first day of April, Anno Domini, one thousand eight hundred and thirty-six.

JOS. RITNER.

No. 114.

A Supplement

To the act entitled "An act to incorporate the Belvidere, Delaware bridge company," passed eleventh of February, one thousand eight hundred and thirty-three.

Preamble.

WHEREAS, The legislature of the state of New Jersey, by an act passed the sixth day of February, one thousand eight hundred and thirty-five, entitled "A further supplement to the act entitled An act to incorporate the Belvidere Delaware bridge company," a copy whereof is hereto annexed, have provided for certain alterations in the original acts, to take effect when the same shall be sanctioned by the state of Pennsylvania; Therefore,

Assent of
Pennsylvania
to the act
of N. Jersey.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the assent of the state of Pennsylvania be, and the same is hereby given to the supplementary act of New Jersey, above recited, as fully, and to all intents and purposes, and with like effect, as if the several sections of said act were herein recited and re-enacted, section by section, by this act, and the provisions thereof shall be in full force in this commonwealth, and the same shall be annexed to and published with this act.

Annual

statement to
Auditor Gen-
eral.

SECTION 2. That the president and managers of the aforesaid company shall annually, on the first Monday in December, transmit to the Auditor General a full statement of their affairs, under oath, and shall pay annually into the treasury

of this commonwealth, and the treasury of the state of New Jersey, in equal proportions, a tax of eight per centum on Tax—to all dividends which may exceed six per cent. on the capital whom paid, stock actually paid in.

State of New Jersey.

A FURTHER SUPPLEMENT

To the act entitled “An act to incorporate the Belvidere Delaware Bridge company;” passed the fifth day of March, eighteen hundred and thirty-two.

WHEREAS, It is represented to the legislature by the New Jersey petition of the stockholders of the Belvidere Delaware Bridge preamble, company, that the site of the said bridge fixed upon by the commissioners elected for that purpose, is not approved of by many of the said stockholders, and that they have agreed and fixed upon the location hereinafter mentioned, as the most satisfactory to them and to the public at large, and best calculated to promote the objects for which the charter of the said company was granted; *And whereas*, some amendments to the said charter are deemed necessary, as well to effect the change of the location, as for other purposes in the said petition set forth; Therefore,

SECTION 1. *Be it enacted by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the location of the said bridge shall be Location of changed from the place fixed upon by the said commissioners, the bridge to such place as the president and directors, or a majority changed. of them, shall deem most eligible for the purpose: *Provided* Proviso, however, That on the New Jersey side it shall be north of Pequest river, and between the same and the point where the southern line of Waterstreet would strike the Delaware, if said street were continued straight through the bluff, and that the company shall be entitled to the same rights, privileges and immunities, as if such location had been fixed upon by the commissioners aforesaid.

SECTION 2. *And be it enacted,* That the number of directors Numbers f of the said company shall be increased to ten, and that it shall directors in- and may be lawful for the stockholders of the said company to creased. hold an election, in the manner prescribed by their charter, and Election. at such time and place as the president and directors, or a majority of them, may appoint, for the purpose of electing the four

Vacancies.

additional directors, and also, of electing a person or persons to supply any vacancy or vacancies which may exist in any of the offices of the said company, and that the directors and other officers so elected, shall hold their offices until the next annual election, and until others are appointed; and that it shall and may be lawful for the president and directors, or a majority of them, to fill up vacancies which may occur in the board, or in any of the offices of the company, between the annual elections, and that the persons by them appointed to fill such vacancies, shall be entitled to the same privileges, and liable to the same restrictions and penalties, in every respect, as if elected by the stockholders, and shall hold their offices until the next annual election, and until others are elected.

Quorum.

SECTION 3. *And be it enacted*, That from and after the election of the additional number of directors, seven directors, or the president and six directors, shall be a quorum at all meetings for the transaction of business.

Repeal.

SECTION 4. *And be it enacted*, That so much of the act entitled "An act to incorporate the Belvidere Delaware Bridge company," passed the fifth day of March, eighteen hundred and thirty-two, as is incompatible with the provisions of this act, and no more, be and the same is hereby repealed: *Provided always*, That this act shall not take effect or go into operation, until it is sanctioned, or a similar act passed by the legislature of the commonwealth of Pennsylvania.

Proviso.

In Council, February 6th, 1835.

This bill having been three times read in the council, and compared,

Resolved, That the same do pass.

By order of the council,

P. D. VROOM,
President of the Council.

In the House of Assembly, February 6th, 1835.

This bill having been three times read and compared,

Resolved, That the same do pass.

By order of the House of Assembly,

DANIEL B. RYALL,
Speaker of House of Assembly.

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS CUNNINGHAM,
Speaker of the Senate.

APPROVED—The first day of April, eighteen hundred and thirty-six.

JOS: RITNER.

No. 115.

An Act

To authorize the Governor to incorporate the Dunnstown Bridge company, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Robert M. Cormick, William P. Farrand, Jesse R. Burden, Simon Cameron, William Commission-
Develing, Hamilton Humes, James Wilson, Alexander ers.
Mahon, James Jeffries, Nathaniel Hanna, Willard Church,
James Gamble, Doctor J. M. Green, Joseph Hall, John
Elliott, Samuel M. Cormick, Doctor Curtin, Henry Taming,
be, and they are hereby appointed commissioners to do and
perform the several duties hereinafter mentioned, that is to
say: they shall, on or before the first day of November next, To procure
procure one or more books, and therein enter as follows: books.

“We whose names are hereunto subscribed, do promise to Form of sub-
pay to the president, managers and company for erecting a scription.
bridge over the West Branch of the Susquehanna, across Price of
the pool of the Dunnstown dam, the sum of twenty-five shares \$2
dollars for every share of stock in the said company set each.
opposite to our respective names, in such manner and pro-
portions, and at such times, as shall be determined by the
president and managers, in pursuance of an act of the gen-
eral assembly, entitled “An act to authorize the Governor
to incorporate the Dunnstown Bridge company,” and shall
thereupon proceed to receive subscriptions for the stock of
the said company, at such times and places as they shall
think proper: *Provided always,* That every person so sub- Proviso.
scribing, in his own name, or in the name of any other
person, shall previously pay to the attending commissioners
two dollars for every share so subscribed, out of which shall
be paid the expense of taking such subscriptions, and other
incidental charges, and the remainder shall be paid over to
the treasurer of the corporation, as soon as the same shall
be organized, agreeably to the provisions of this act.

SECTION 2. When fifteen or more persons shall have sub- When letters
scribed four hundred shares of the said stock, the said patent shall
commissioners shall certify, under their hands and seals, to issue.
the Governor of the commonwealth, the names of the sub-
scribers, and the number of shares subscribed, and there-
upon it shall and may be lawful for the Governor, by letters
patent, under his hand and the seal of the state, to create
and erect the said subscribers, and also all those who may

Name, style and title.
Powers and privileges.

afterwards subscribe, into one body corporate and politic, in deed and in law, by the name, style and title of "The Dunnstown Bridge company," and by the said name the said subscribers shall have perpetual succession, and all privileges and franchises incident to a corporation, and shall be capable of taking and holding their said capital stock, and the increase and profits thereof, and of enlarging the same from time to time by new subscriptions, in such manner and form as they shall think proper, if such enlargement should be found necessary to fulfil the intent of this act, and of taking, purchasing and holding, to them and their successors, in fee simple or for any less estate, all such lands, tenements, hereditaments and estates, real and personal, as shall be necessary and convenient to them in the prosecution of their works, and the same to sell and dispose of at their pleasure, of suing and being sued, and of doing all and every other matter or thing which a corporation or body politic may lawfully do.

Notice.

To organize.

Proviso.

SECTION 3. The first named ten persons in the letter-patent, shall so soon as conveniently may be after sealing the same, give notice in any two of the town newspapers of the county of Lycoming, of a time and place to be by them appointed, not less than twenty days from the time of issuing the first notice, of which time and place the said subscribers shall proceed to organize the said corporation, and shall choose, by a majority of votes of the said subscribers, by ballot, either in person or by proxy, duly authorized, one president and six managers, and one treasurer, and such other officers as they may think necessary, to conduct the business of said company for one year, and until other officers shall be chosen, and may make such by-laws, rules and regulations, not inconsistent with the laws of this commonwealth, as shall be necessary for the well ordering the affairs of the said company: *Provided*, That each person shall be entitled to one vote for every share not exceeding ten, and two votes for every five shares above ten.

Annual election.

SECTION 4. The stockholders shall meet on the first Monday in January in each succeeding year, at such place as shall be fixed by the rules and orders of the said company, to be made as aforesaid, for the purpose of choosing such officers as aforesaid, for the ensuing year.

Certificates Seal.

Of transfer.

SECTION 5. The president and managers first to be chosen as aforesaid, shall procure printed certificates for all the shares of stock of the said company, and shall deliver one such certificate, signed by the president, and countersigned by the treasurer, and sealed with the seal of the corporation, to each subscriber, for the share or shares held by him, on paying to the treasurer the amount of each share so held, which certificate shall be transferrable at his pleasure, in person or by attorney, in the presence of the president or

treasurer, and the assignee holding such certificate, having first caused the assignment to be entered on the books of the company, kept for that purpose, shall become a member of the corporation.

SECTION 6. The president and managers shall meet at Meeting of such times and places, and be convened in such manner, as the board shall be agreed on for transacting their business, and at such meeting five members shall be a quorum, who in the Quorum. absence of the president may choose a chairman, and shall keep minutes of all their transactions, entered in a book, and a quorum being met, they shall have full power and Powers of authority to agree with and appoint such engineers, superin- the board. tendents, artists and other officers, as they shall think necessary to carry on the said bridge, and to fix their salaries and other wages, to ascertain the times, manner and proportions in which the stockholders shall pay the money due on their respective shares, in order to carry on their work, to draw orders on the treasurer for all monies, to pay the salaries of persons by them employed, and for the materials provided and labour done, and which shall be signed by the president, and countersigned by their clerk, and to do and transact all other matters and things as by the by-laws, orders and regulations of the said company, shall be committed to them.

SECTION 7. If any stockholder, after thirty days notice given in two of the newspapers of Lycoming county, of the time and place of paying any instalment which may be called for, shall neglect to pay such instalment, for the space of sixty days after the time so appointed, every such stockholder or his assignee, shall, in addition to the instalment so Penalty called for, pay at the rate of two per cent. per month for every delay of such payment, and if the same and additional penalties, shall remain unpaid for such space of time that the accumulated penalties shall become equal to the sums before paid on account of such shares, as such stockholders may hold the same, shall be forfeited to the said company, and Forfeiture. may be sold to any person or persons, and for such price as may be obtained therefor.

SECTION 8. The president and managers of the said com- Just account pany shall keep fair and just accounts of all monies received to be kept & by them from the said commissioners, and from the subscri- submitted annually to bers to the said company, and of all penalties for delay in the stock- the payment of stock, and of the amount of profits on shares holders. that may be forfeited as aforesaid, and also all monies by them expended in the prosecution of said work, and shall, at least once in every year, submit such accounts to a general meeting of the stockholders, until the said bridge be completed, and until all the costs, charges and expenses for

effecting the same, shall be fully paid and discharged; and the aggregate amount of all such expenses shall be liquidated and ascertained, and if upon such liquidation, or whenever the stock of said company shall be nearly expended, it shall be found that the said capital stock is not sufficient to complete the said bridge, according to the true intent and meaning of this act, it shall and may be lawful for the president, managers and company, at a stated or special meeting, to be convened according to the provisions of this act, or their own by-laws, to increase their number of shares, to such extent as shall be deemed sufficient to accomplish the work, and to demand and receive the monies subscribed for such additional shares, in like manner, and under like penalties as is hereinbefore provided for the original subscription.

Special meet-
ing to in-
crease the
number of
shares.

SECTION 9. When a complete bridge is erected over the West Branch of the river Susquehanna, across the pool of the Dunnstown dam aforesaid, the property of said bridge shall be vested in the said company aforesaid, their successors and assigns, for ever, and the said company, their successors and assigns, may demand and receive toll from travellers and others, agreeably to the following rates, to wit : for every carriage, of whatever description, used for the purpose of trade or agriculture, having four wheels and drawn by four horses, sixty cents ; for every such carriage drawn by two horses, forty cents ; for every carriage, of whatever description, used for the purposes of personal accommodation or pleasure, having four wheels and drawn by four horses, eighty cents ; for every such carriage drawn by two horses, fifty cents ; for every dearborn wagon, and for every chair or other two wheeled carriage of pleasure, drawn by one horse, twenty-five cents ; for every sleigh or sled drawn by four horses, sixty cents ; for every such sleigh or sled drawn by two horses, forty cents ; for every such sleigh or sled drawn by one horse, twenty cents ; every horse with a rider, eight cents ; every carriage drawn by oxen, or partly by horses and partly by oxen, to be rated in proportion of two oxen, for one horse ; and in all cases a mule shall be rated the same as a horse ; for every horse without a rider, three cents ; for every score of sheep or swine, eight cents ; for every head of horned or muley cattle, one cent ; and for every foot passenger, three cents : *Provided*, That any person or persons attending funerals, going to or returning from divine worship on the Sabbath day, all persons going to or returning from elections or military trainings, and students, or children attending school or seminary of learning, shall at all times be exempt from the payment of any toll.

Provided.

SECTION 10. If the said company, their successors and assigns, or whoever may possess or own the said bridge, shall demand or receive any greater rates or prices for passing

over the said bridge, than is hereinbefore prescribed and specified, or shall neglect to keep the said bridge in good repair, he, she or they so offending, shall for every such offence forfeit and pay the sum of ten dollars, one moiety thereof Penalty. for the poor of the townships of Dunstable and Bald Eagle, and the other moiety for the use of the person who may sue for the same : *Provided*, That no suit nor action shall be Proviso. brought, unless within such offence shall have been committed.

SECTION 11. The president, managers and company, shall keep a just and true account of all money received by the several collectors of tolls for crossing the said bridge, and shall make and declare a dividend of the profits and income L. id. d. thereof amongst all the stockholders, deducting therefrom all contingent costs and charges, and such proportions of the said income as may be deemed necessary for a growing fund, to provide against the decay, and for rebuilding and repairing the said bridge, and shall, on the first Monday in April and October in every year, publish the dividend to be made of the said clear profits thereof among the stockholders, and of the time and place when and where the same shall be paid, and shall cause the same to be paid accordingly ; that Annual statement to Auditor General. the president and managers of the aforesaid company shall annually, on the first Monday in December, transmit to the Auditor General a full statement of their affairs, under oath.

SECTION 12. It shall be the duty of the said company in the construction of the said bridge, to connect with it a good and substantial towing-path bridge, for the purpose of towing Towing path bridge. boats and other craft across the pool of the Dunnstown dam, the same to be constructed under the direction, and approved of by the Canal Commissioners ; and when the said towing-path bridge shall be completed, and approved of as aforesaid, the said company are authorized to demand and receive for every horse or mule crossing the said towing-path bridge, and towing a boat or other craft over the said pool, the sum Toll. of two cents per ton.

SECTION 13. At any time after the expiration of twenty Common-wealth ma. years from the time of completing said bridge, it shall be lawful for the commonwealth to purchase the same, by purchase bridge. ing to the said company a sum of money which, together with the dividends declared by the said company, shall be equal to the cost of constructing the bridge, and fifteen per cent. per annum interest thereon.

SECTION 14. So much of an act entitled "An act to Stony creek authorize the Governor to incorporate a company to erect a bridge over Stony creek, at Johnstown, in Cambria county, as designates the location of said bridge, and provides that the county shall at any time have the right to purchase out said company, by reimbursing the amount of money expended in the construction of said bridge, together with interest thereon,

Repeal.

be and the same is hereby repealed ; and the said company may build a bridge across the Stony creek at such point or place as may be deemed expedient.

**Bridge at
Fallston,
Beaver co.
Repeal.**

SECTION 15. So much of an act entitled "An act to authorize the Governor to incorporate a company to erect a bridge over the Big Beaver river, at Fallston, in Beaver county," as requires the location of said bridge at the rope ferry, be and the same is hereby repealed; and the said company are hereby authorized to locate said bridge at or near said rope ferry. And so much of said act as requires the

Tax repealed

payment of a tax on the dividends of said company, be and the same is hereby repealed.

NER MIDDLESWARTH,

Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,

Speaker of the Senate.

APPROVED—The first day of April, Anno Domini, eighteen hundred and thisty-six.

JOS: RITNER.

No. 116.

An Act

To incorporate the Chester county Insurance company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That David Potts, junior, James Kel-ton, Morgan J. Thomas, William Jackson, Joseph Whitaker, Isaac Wayne, James Boyd, William Everhart, Robert Irwin, Ziba Pyle, John Solomon, William Williamson, Thomas S. Bell, William Darlington, Nimrod Strickland, Joseph J. Lewis, P. Frazer Smith, Samuel Carpenter, Jeffries J. Twedde, and William Apple, be, and they are hereby appointed commissioners for receiving subscriptions to the stock of a company to be denominated "The Chester county Insurance company," who shall open a book for that purpose in the borough of West Chester, at a time and place

**Commission-
ers.**

**To open book
for subscrip-
tion.**

by them to be appointed, and of which they shall give public notice in all the newspapers published in the said county of Chester, for three successive weeks, immediately preceding the time of opening the book as aforesaid; and the said book shall be kept open for three days, from ten o'clock A. M. till three P. M. on each day, or until the number of one thousand shares, at fifty dollars per share, shall be subscribed, after which the books shall be closed, and all persons of lawful age shall be permitted to subscribe to the said stock, by paying five dollars on each share at the time of subscribing, and on the first day on which said book shall be opened, no person shall be permitted, in his own name or in the name of any other person, to subscribe for more than ten shares, but if the whole of the said stock shall not then have been subscribed, the commissioners shall on the following day, permit any person to subscribe for any number of shares remaining: *Provided*, That if the whole number of shares shall not have been subscribed within the time before mentioned and limited, the said commissioners shall have power to reopen the said book, at such times and places as they shall deem expedient, and continue the same open until the whole number shall have been subscribed: *And provided also*, That all acts which the said commissioners are authorized to do, shall be as effectual and valid if performed by a majority of them, or by a committee appointed by such majority, as if performed by them all.

SECTION 2 When one thousand shares of the capital stock as aforesaid shall have been subscribed, and at least five dollars per share paid in, the said commissioners, or a majority of them, shall certify to the Governor, under their hands and seals, the names of the subscribers, and the number of shares subscribed by them respectively, and the Governor shall thereupon, by letters, under his hand and the seal of the state, erect and create the subscribers into a body politic and corporate, in deed and in law, by the name, style and title of "The Chester county Insurance company," to be located in the said county of Chester, by which name and title the said subscribers shall have perpetual succession, and shall be able to sue and be sued, plead and be impleaded, in all courts of record and elsewhere, and to purchase, receive, have, hold, use, occupy, possess and enjoy, to them and their successors, lands, tenements and hereditaments, goods and chattels, of what nature, quality or kind soever, real, personal or mixed, or choses in action, and the same from time to time to sell, assign, demise, grant, alien or dispose of: *Provided*, That the yearly income of the real estate so held, except such as shall be necessary and convenient for the transaction of its business, or which may be conveyed to said company for the security, or in payment of any debt which may become due or owing to the same,

or in satisfaction of any judgment of any court of law in its favor, shall not exceed the sum of five thousand dollars; and the said company shall have authority to make, have, and use a common seal, and the same at pleasure to break, alter and renew.

Capital stock
may be in-
creased.

SECTION 3. The capital stock of the said company may be increased hereafter, to any sum not exceeding four thousand shares, of fifty dollars each, if circumstances require it, and two-thirds of the stockholders at any of their regularly convened meetings so order, which increase shall be effected in such manner, and on such terms as said two thirds of the stockholders shall direct.

Payment of
instalments
on shares.

SECTION 4. The capital stock of said company shall be called in and paid at such times and places, and in such proportions and instalments, as the president and directors shall require, giving public notice thereof once a week for three successive weeks, in two newspapers printed and published in the county of Chester; and if any stockholder shall neglect to pay such proportion or instalment, at the time and place appointed, he shall, in addition to the proportion or instalment so called for, pay at the rate of two

Penalty for
delay.

per cent. per month for the delay of such payment, and if the same and the additional penalty, or any part thereof, shall remain unpaid for six months, he shall, at the discretion

Forfeiture.

of the directors, forfeit to the use of the company all his right, title and interest in and to every and all share and shares on account of which default of payment may be made as aforesaid; or in case of default on the part of any stockholder, of payment of such proportion or instalment as aforesaid, the president and directors may at their election, cause suit to be brought before any justice of the peace or alderman, or in any court of competent jurisdiction, for the recovery of the same, with the penalty of two per cent. per month as aforesaid, and in the event of a forfeiture, new subscriptions may be opened and received for the number of shares so forfeited, at the discretion of the company, and under such regulations as may be prescribed in the by-laws:

Proviso.

Provided, That no stockholder shall be entitled to vote at any election, or at any general or special meeting of the company, on whose share or shares any instalment or arrearages may be due more than ten days previously to said election or meeting.

9 directors to
be elected
annually.

SECTION 5. The affairs of the company shall be managed by nine directors, who shall be citizens of this commonwealth and residents of the said county of Chester, and stockholders of the said company, holding at least five shares each, in their own right, and who shall be elected annually, on the third Monday in January, by the stockholders, at their general meeting for that purpose assembled, of which meeting public notice shall have been given in at least two

newspapers published in the county of Chester, for three successive weeks immediately preceeding the holding of the same, and the directors at their first meeting after each election, shall choose one of their number as president; but in case it should happen at any time that an election of directors should not be made, when pursuant to this act it ought to have been made, the company for that cause shall not be dissolved, and it shall be lawful within forty days thereafter, to hold and make an election of directors, in such manner as shall be regulated by the by-laws and ordinances of the said company; and in case of the death or resignation of any director, his place may be filled for the remainder of the year in such manner as the regulations of said company shall for that purpose direct: *Provided*, That the first election of directors shall be held at a time and place to be appointed by the commissioners before mentioned, they giving notice thereof in manner aforesaid, and the directors so chosen, shall hold their offices until the third Monday of January, one thousand eight hundred and thirty-seven, and until new directors shall be chosen.

SECTION 6. The vote of the stockholders for directors, shall be by ballot, and for the election of directors, and for deciding all questions in the general meetings of the stockholders, the ratio of votes shall be as follows, viz: each stockholder shall be entitled to one vote for every share of the stock standing in his name not exceeding fifteen shares, but no stockholder shall be entitled to more than fifteen votes, nor shall any stockholder vote at any election for directors, unless the share or shares on which he or she may claim to vote, shall have been standing in his or her name at least thirty days previous to such election: *Provided*, That no voting by proxy shall be permitted at any election or meeting of the said company.

SECTION 7. The president and directors for the time being, shall have power to appoint such officers, clerks, agents and other persons, as shall be necessary for conducting and performing the business of the said company, to fix their compensation, to take bonds from all or any of them, with security, conditioned for the faithful execution of their several duties, to make such covenants, contracts and agreements as they may deem proper to ordain, establish and put in execution, and all such ordinances, regulations and by-laws as may appear necessary for the government, or conducive to the interests of the company, not being contrary to the fundamental articles thereof, to the constitution and laws of the United States or of this commonwealth, and generally, to do, execute and perform all acts, matters, and things in relation to the business thereof, which a corporation may or lawfully can do: *Provided*, That all such ordinances, regulations and by-laws as shall be made by the

By-laws.

directors, may be altered or repealed by two thirds of the stockholders, at any annual meeting, or any general meeting called in pursuance of any by-law made for that purpose; and the majority of stockholders may, at any annual or general meeting, pass by-laws, which shall be binding upon the directors, such by-laws not being contrary to the laws of this state or of the United States: *And provided also*, That no director or officer of the said company, either by himself or through any other person, shall be permitted to borrow or make any loan from the funds of said company, nor shall any president, director, or other officer of any bank, be a director or officer of said company.

2d Proviso.

Premium for insurance.

SECTION 8. The said company shall have full power and authority to make insurance against losses by fire, at such rate of premium as may be agreed upon, on any house, tenement, manufactory or other building, and on goods, wares and merchandise, and other effects therein, and on hay, grain and other agricultural products in barns, stacks, or otherwise, and generally, on all kinds of buildings, goods, wares, merchandise and effects, and to make, execute and perfect such contracts, bargains, agreements, policies, and other instruments, as shall or may be necessary, and as the nature of the case may require; and every such contract, bargain, agreement, policy, and other instrument, to be made by the said company, shall be in writing or in print, under the corporate seal, signed by the president, and attested and signed by the secretary, or other officer, who may be appointed by the directors for that purpose.

Seal.

Corporation may deal in stocks.

SECTION 9. It shall be lawful for the said corporation to employ and improve the capital stock thereof, and all monies received for premiums, which by this act the president and directors are directed to retain until the risks upon which such premiums have been received are fully determined, in any available stock, or to lend the same, or any part thereof, upon good and sufficient security, and also to sell and dispose of, and transfer all or any of the said stock and securities, and invest the proceeds thereof in like, and other such stock and securities: *Provided*, That nothing herein contained, shall in any way be construed to authorize the said company to use the funds of the institution for banking purposes.

Proviso.

Dividends.

SECTION 10. That the president and directors of said company shall, on the first Mondays of January and July in each and every year, declare and divide so much of the profits of said company as to them shall appear advisable, first deducting all expenses, and pay the said dividend to the respective stockholders, or to their agents, duly empowered, in ten days after declaring the same, but the monies received as premiums upon risks, which remain undetermined and outstanding at the time of declaring such dividend, shall not then be considered as part of the profits of the said company.

or divided as such; and if any loss shall happen, whereby the capital stock of the said company shall be lessened, no subsequent dividend shall be made, until a sum equal to such diminution shall have been added to the said capital stock, and if the president and directors shall knowingly make a dividend or dividends contrary to the true intent and meaning of the prohibitions herein contained, such of them as shall consent thereto, shall in their individual capacity be accountable for, and pay over to the said company, for the use thereof, as much money as they may so divide and pay more than by this act they are authorized to do, and the president and each director of the said company in office at the time of making such dividend, hereby prohibited, shall be deemed as consenting thereto, unless he or they shall at the time of making or declaring the same, be absent from the board of directors, or if present, shall immediately enter his or their protest or protests on the minutes of the board, and also give notice thereof in two newspapers published in the said county of Chester. President & directors accountable.

SECTION 11. The stock of said company shall be transferable on the books of the said company, only according to such rules and regulations as may be prescribed by the by-laws. Of transfer.

SECTION 12. Should the said company fail to meet its engagements, each person holding stock at the time of such failure, shall individually be liable for the debts of the company, to the amount of the balance unpaid on the stock of such stockholder. Stockholders liable.

SECTION 13. If at any time it shall appear to the legislature that the said corporation has abused or misused any of the privileges hereby granted, the power to repeal this act shall in nowise be denied or impaired, but such repeal shall not effect any engagement to which said company may have become a party previously thereto, and that said company shall have a reasonable time allowed them to bring their accounts to a final settlement and termination. Legislature reserves the right to repeal.

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The first day of April, Anno Domini, one thousand eight hundred and thirty-six.

JOS: RITNER.

No. 117.

An Act

Authorizing the Governor to incorporate the Chambersburg and Loudon railroad company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Thomas M'Dowel, James Campbell, Frederick Smith, Thomas G. M'Culloch, Martin Hoover, Nicholas Baker, George Heck, Jacob Statler, Mark Brindle, Joseph Culbertson, Samuel Dunn, James Agnew, William Duffield, George Hoke, James Austin, James Sprout, John Nycum, Jacob Barndoller, William Hartley, David Mann, senior, Henry Leader, William Compher, Frederick Gebhart, George Ross, Charles Ogle, Samuel Elder, John M'Mullin, and Samuel Kimmel, be, and they are hereby appointed commissioners to do and perform the several things hereinafter mentioned, that is to say: they, or any five of them, shall procure a sufficient number of suitable books, and in each of them enter as follows, viz: "We and each of us whose names are hereunto subscribed, do promise to pay to the directors of the Chambersburg and Loudon railroad company, the sum of fifty dollars for every share of stock set opposite to our respective names, and by us respectively subscribed, in such manner and proportions, and at such times and places as shall be determined and directed by the said directors, in pursuance of an act entitled 'An act authorizing the Governor to incorporate the Chambersburg and Loudon railroad company,' witness our hands the day of , Anno Domini, one thousand eight hundred and thirty ;" and shall thereupon give at least twenty days previous notice, in five newspapers printed in the counties of Franklin, Bedford and Somerset, and in two or more of the daily papers printed in the city of Philadelphia, of the times when and the places where some one or more of the aforesaid commissioners will attend, and receive subscriptions from all persons of lawful age who shall offer to subscribe in said books, which shall be kept open for the purpose aforesaid, at least six hours in every juridical day, for the space of six days, or until there shall be subscribed in the said books two thousand shares; and if at the expiration of six days, the books aforesaid shall not have the number of shares aforesaid therein subscribed, then the said commissioners, at their discretion, may adjourn from time to time, and transfer the books elsewhere, until

Commissioners.

To procure books.

Form of subscription.

Price of shares \$50 each.

Who may subscribe.

the whole number of shares aforesaid shall be subscribed, of which adjournment and transfer, the commissioners aforesaid shall give such public notice as the occasion may seem to require; but no subscriptions shall be valid, unless the persons so subscribing, shall pay to the said commissioners at the time of making the same, the sum of five dollars on each share, for the use of the company: *Provided*, That on the first day the books shall be so opened, no person shall be permitted to subscribe, in his own name or in the name of another, for more than twenty shares of the said stock.

SECTION 2. When one thousand shares or more shall be actually subscribed, and five dollars on each share paid to said commissioners, the said commissioners, or a majority of them, shall certify the same, under oath or affirmation, to the Governor of this commonwealth, and on the receipt of such certificate, the Governor shall, by letters patent, under his hand and the seal of the commonwealth, create and erect the subscribers, and if the subscription be not full at the time, then those also who shall thereafter subscribe to the whole number of shares aforesaid, into a body corporate and politic, in deed and in law, by the name, style and title of "The Chambersburg and Loudon railroad company," and by the same name the subscribers shall have perpetual succession, and all the privileges, franchises, and immunities incident to a corporation, may sue and be sued, implead and be impleaded, in all courts of record and elsewhere, may purchase, receive, have, hold and enjoy, to them, their successors and assigns, lands, tenements and hereditaments, goods, chattles, and all estates, real, personal or mixed, of what kind or quality soever, and same from time to time may sell, mortgage, grant, alien and dispose of and make dividends of such portions of the profits as they may deem proper, and also may make and have a common seal, and the same alter or renew at pleasure, and generally to do all and singular, the matters and things which to them it shall lawfully appertain to do for the well being of the said corporation, and the due management and ordering of the affairs and business of the same: *Provided*, That nothing herein contained shall be so considered and construed as giving to the said corporation any banking privileges, or any other liberties, privileges or franchises, but such as may be necessary or incident to the making and maintaining the said railroad, and to the conveyance of passengers, and the transportation of goods, merchandise and commodities thereon.

SECTION 3. That the third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, nineteenth, twentieth, twenty-first, twenty-second, twenty-fourth, and twenty-fifth sections of the act passed the fourth day of April, eighteen hundred and thirty-three, entitled "An act to authorize the

Five dollars
to be paid on
each share.

Praviso.

When letters
patent shall
issue.

Name, style
and title.

Powers and
privileges.

Dividends.

Seal.

Praviso.

Repeal of
portions of
the act of 4th
April, 1833.

Proviso. Governor to incorporate the Philadelphia and Reading railroad company," be and the same are hereby made part of this act, the same as though the same had been enacted section by section: *Provided*, That the mode of ascertaining damages provided for in the twelfth section, shall be made in the county where they occur.

Route. **Warehouses, &c.** SECTION 4. The said company may be and they are hereby authorized, as soon as they conveniently can, to locate and construct a railroad, of one or more tracks, from a suitable point at or near the borough of Chambersburg, in the county of Franklin, by the shortest and best route, to a convenient point at or near the town of London, in the same county, and to make, construct and erect such warehouses, toll-houses, carriages, cars, and all other work and appendages necessary for the convenience of the said company, in the use of the said railroad.

Legislature reserves the right to resume the privileges granted, &c. SECTION 5. If at any time said company shall misuse or abuse any of the privileges hereby granted, the legislature may resume all and singular, the rights and privileges hereby granted to said company; and the legislature reserves the right to reduce and regulate the tolls hereby authorized.

Annual statement to Auditor General. SECTION 6. That the president and managers of the aforesaid company shall annually, on the first Monday in December, transmit to the Auditor General a full statement of their affairs, under oath, and shall pay annually into the treasury of the state, a tax of eight per cent. on all dividends which may exceed six per cent. on the capital stock paid in.

Legislature reserves the right to purchase the rights of said company. SECTION 7. The legislature reserves the right to purchase the right of said company, and the said railroad, with its appurtenances, at any time after twenty years from the passage of this act, by paying to said company a sum of money which, together with the tolls received, shall equal the cost and expenses of said railroad, with an interest of eight per centum per annum thereon.

NER MIDDLESWARTH,

Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,

Speaker of the Senate.

APPROVED—The first day of April, Anno Domini, one thousand eight hundred and thirty-six.

JOS: RITNER.

No. 118.

A Supplement

To the act extending the charter of the Farmers' Bank of Bucks county, passed the third day of April, A. D. one thousand eight hundred and thirty.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passage of this act, the capital stock of the Farmers' Bank of Bucks county shall consist of eight thousand shares, of twenty-five dollars each, and no more, making the capital of said bank two hundred thousand dollars, as fixed by the act to which this is a supplement.

SECTION 2. That it may be lawful for the directors of said bank to elect one of their number to be president, at their first meeting after their election.

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The first day of April, A. D. eighteen hundred and thirty-six.

JOS: RITNER.

No. 119.

An Act

For the relief of George Kinzer and Henry A. Raub, and for purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the State Treasurer be, and he is hereby authorised and required to pay to George Kinzer,

of Allegheny county, and Henry A. Raub, of Northampton county, or to their respective orders, each the sum of forty dollars, as a gratuity on account of services rendered during the revolutionary war.

Supervisors
of Fairfield
township,
Westmore-
land county,
liable for the
school taxes
of 1834 and
1835.

SECTION 2. That Henry Hartman and James Snodgrass, supervisors for the township of Fairfield, in the county of Westmoreland, for the year eighteen hundred and thirty-four and five, be and they are hereby authorized and directed to collect the school taxes levied and assessed on the said township, as school taxes, for the year eighteen hundred and thirty-four and five, as agreed upon by the inhabitants of said township; and in case of the neglect or refusal, the said Henry Hartman and James Snodgrass, collectors and supervisors as aforesaid, during that year, they shall be held individually liable for the amount so assessed, which shall be recoverable by the present school directors, in an action, as debts of like amount are recoverable by law.

Tax on Solo-
mon Mason,
&c., of Bed-
ford county,
remitted.

SECTION 3. That the tax on Solomon Mason, for the several commissions, to wit: of prothonotary, clerk of Oyer and Terminer, of Quarter Sessions, of Orphan's Court, register and recorder, and so forth, of Bedford county, lately held by him, be and the same is hereby remitted.

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The first day of April, Anno Domini, one thousand eight hundred and thirty-six.

JOS: RITNER.

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No. 120.

A n A c t

For the relief of Henry H. Burr and William M'Coy, and for the relief of Louisa De Pui, administratrix of John De Pui, deceased.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the*

authority of the same, That the State Treasurer be, and he ^{Relief of H.} is hereby directed to pay to the order of Henry H. Burr and ^{H. Burr and} William M'Coy, out of any money in the treasury not ^{Wm. M'Coy.} otherwise appropriated, the sum of seven thousand five hundred dollars in full compensation for the use of their patent right in the construction of the Jack Narrows, Shaver's Ford, and Duncan Island, Kiskiminetas and Pittsburg aqueducts, on the line of the Pennsylvania canal, and the tow-path bridge over the Susquehanna, at Northumberland, and it is hereby made the duty of the Auditor General to charge the same to the internal improvement fund.

SECTION 2. That the Auditor General be, and he is here- ^{Relief of} by authorized and required to withdraw the appeal from the ^{L. De Pui.} award of arbitrators, entered by him in a certain suit or action in the court of Common Pleas of the county of Dauphin, wherein the commonwealth of Pennsylvania is plaintiff, and Louisa De Pui and John Kurtz, administrators of John De Pui, deceased, are defendants, upon the payment of the costs of suit by the defendants.

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The first day of April, Anno Domini, one thousand eight hundred and thirty-six.

JOS: RITNER.

No. 121.

An Act

To incorporate the Pike county and Port Jervis bridge company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That the capital stock of the Pike county and Port Jervis bridge company, for erecting a bridge over the Delaware river, from a spot on the farm of Jacob Cuddeback, in Pike county, in a direct line from the

Milford road, to a spot directly opposite and contiguous, or near to the village of Port Jervis, in Orange county, state of New York, may amount to thirty thousand dollars, and that the same shall be divided into shares of one hundred dollars each, and the subscribers to the said capital stock shall pay the sum or sums of money for the share or shares by them respectively subscribed, at such periods, and in proportions as the directors of said company may determine.

Capital stock \$30,000.
Shares \$100 each.
Commissioners.
To receive subscriptions.
Notice of time and place.
\$5 to be paid on each share.
Penalty or forfeiture.
Proviso.
When the subscribers shall be incorporated.
Powers and privileges.

SECTION 2. Oliver S. Dimmeck, Cyrill C. D. Pinchot, and John Brink, are hereby appointed commissioners on the part of this state, who with such commissioners as may be appointed by or on the part of the state of New York, shall be authorized to receive subscription to the said capital stock, at such times and places as they or a majority of them may direct, they or a majority of them giving notice, in one or more newspapers published in Pike county, and in case no newspaper is published in that county, then in one or more newspapers published in Wayne county, and also in one or more newspaper published in the county of Orange, in the state of New York, for at least twenty days, of the times and places when and where the said subscriptions will be received; and at the time of subscribing for the said stock, five dollars shall be paid to the commissioners, or some one of them, on each share subscribed for, which money shall be paid over to the treasurer of the company, as soon as such treasurer shall be appointed, and the residue of the subscriptions shall be paid in such instalments, and at such times and places, and to such person or persons, as the president and directors of the company shall from time to time direct and give public notice of, in the manner above mentioned, and upon failure of payment thereof as so directed, for thirty days thereafter, the said president and directors shall have power to forfeit to and for the use of said company, the shares of each and every person so failing to pay the said instalments, or any of them: *Provided*, That if the number of shares subscribed for shall exceed the amount or number of shares authorized by this act to be subscribed for, the said commissioners shall apportion the said stock among such subscribers, in proportion to the amount or number of shares by them subscribed as aforesaid.

SECTION 3. When one hundred fifty shares or more of the said stock shall be subscribed for, and such stock (if necessary) shall have been apportioned as above mentioned, the persons holding the same shall be, and they are hereby incorporated into a company, by the name of the "Pike county and Port Jervis bridge company," and by that name shall have perpetual succession, and all privileges and franchises incident to a corporation, and shall be capable of taking and holding their said capital stock, and the increase

and profits thereof, and of enlarging the same from time to time by new subscriptions, in such manner and form as they shall think proper, if such enlargement should be found necessary to fulfil the intent of this act, and of purchasing, taking and holding, to them and their successors and assigns, in fee simple or for any less estate, all such lands, tenements, hereditaments and estates, real and personal, as may be convenient to them in the prosecution of their work, and the same to sell and dispose of at their pleasure, and of suing and being sued, and of doing all and every other matter and thing which a corporation or body politic may lawfully do.

SECTION 4. When one hundred and fifty shares of the said capital stock, or any greater number, shall be subscribed as aforesaid, it shall be the duty of the said commissioners to give notice, in manner aforesaid, as well in Pike county aforesaid, as in the said county of Orange, of the time and place of meeting of said stockholders, not less than thirty days from the time of the first publication of said notice, in each of the said counties, at which time and place **Stockholders** the said stockholders shall proceed to organize the said com- **to organize** pany, and shall choose by ballot, by a majority of votes, to **the company.** be delivered in person or by proxy, (each stockholder being entitled to one vote for every share held by him,) a president, a treasurer, and six directors, who shall compose the board of direction, and be collectively denominated the president and directors of the said company, and who shall have power to conduct the business of said company for one year, and until others shall be chosen in their stead; also, to make such by-laws, rules and regulations, not inconsistent with **By-laws.** the laws and constitution of this state or of the United States, as shall be necessary for the well ordering and managing the affairs of the said company; and at the meeting aforesaid, the said stockholders shall also elect, in manner aforesaid, three commissioners, who shall, within thirty days from the said election, fix upon the site or loca- **Location of** tion of said bridge, and of such road or roads as shall be **the bridge.** necessary in connection therewith, and return a survey or other definite description of the same, to the president of said company.

SECTION 5. An election for the same officers, to wit: a **Annual elec-** president, a treasurer, and six directors, shall be held annu- **tion.** ally, on the second Monday of November, in every year after that in which the first board of direction shall be chosen, at such place, in pursuance of such notice, and under the inspection of such persons, as shall have been prescribed by the by-laws, or directed by the resolutions of the board of directors, which elections shall be conducted in the same manner as that provided for in the last section;

and if it shall happen that any annual election shall not be held on the day prescribed for that purpose, the corporation shall not for that cause be dissolved, but in such cases, the election shall be held in the same manner, and with the like effect, on some early day, to be appointed and duly notified by the directors then in office, who shall however, after the day on which the election ought to have been held, be disqualified for acting as directors, except so far as may be necessary to provide for and give effect to the election so to be appointed.

**Certificates
of stock.**

**Transfer-
able.**

SECTION 6. The president and directors first to be chosen as aforesaid, shall issue certificates of stock to the several stockholders respectively, signed by the president and countersigned by the treasurer of the said company, which certificates shall be transferrable at the pleasure of the holders, in person or by attorney, subject however, to the payments due and that may grow due thereon; and the assignee holding any certificate, having first caused the assignment or transfer to be entered in a book of the company, to be kept by the treasurer for that purpose, shall for every share of stock so held by him or her, be entitled to his or her just and rateable proportion of the said capital stock, and of all the estates and emoluments of the company, and to vote as aforesaid at the meetings thereof.

**Meetings of
the board.**

Quorum.

Minutes.

**Powers of
the board.**

SECTION 7. The said president and directors shall meet for the transacting of business, at such times and places, and be convened in such manner, as shall be prescribed by the by-laws; at such meetings five members shall be a quorum, who in the absence of the president may choose a chairman, they shall keep minutes of all their transactions, fairly entered in a book, and a quorum being met, they shall have full power and authority to appoint such engineers, superintendents, artists and other officers and agents, as they shall think necessary to construct the said bridge, conduct and carry on the business of the said corporation, and also, to fix their salaries and other wages, to determine the time, manner and proportions in which the stockholders shall pay the money due on their respective shares, to draw orders on the treasurer for all moneys that may be required, the same to be signed by the president or chairman, and countersigned by the clerk of the board, and to do and transact all matters and things as by the by-laws or regulations of the said company shall be lawful; they shall also have power at any regular meeting of the board, to fill all vacancies which may occur during the year in the office of president, treasurer, or directors of the said corporation.

Vacancies.

SECTION 8. After the place for the erection of the said bridge shall be fixed as aforesaid, and before the said president and directors shall proceed to erect the same, it shall and may be lawful for the said president and directors, to

contract and agree with the owner or owners of any lands President & and tenements, for the purchase of so much thereof as shall directors to be necessary for the purpose of erecting and perfecting the contract with said bridge, and making and establishing all the necessary the owners of works connected therewith, and roads to and from the same, on which the if they can agree with the owner or owners of the same; bridge shall but in case they cannot so agree, in relation to any such be built. lands or tenements situate within this state, then it shall and Mode of proceeding in case of disagreement. may be lawful for the said president and directors to apply to one of the judges of the court of Common Pleas in the county of Pike, not being a stockholder, or otherwise interested, who, upon such application, is hereby authorized and directed to appoint three discreet and disinterested freeholders of this state, who, after being sworn or affirmed before any justice of the peace, faithfully to perform the duties enjoined on them by this act, shall proceed, view and examine the site designated for the establishment of the said bridge, and all such lands and tenements within this state as shall be necessary for the purpose of erecting and completing the same, and of making and establishing all necessary works connected therewith, and such roads to and from the same as shall have been specified or determined on by the commissioners above mentioned, and shall, according to the best of their skill and judgment, estimate and ascertain the injury and damages which will be sustained by the owner or owners Damages. of all and singular, the lands and tenements within this state necessary to be taken or used for the purposes aforesaid, and shall report what sum or sums of money ought to be paid by the said corporation for the same, which report shall be made in writing, under the hands and seals of the said freeholders, or any two of them, and shall be returned by them, or any two of them, together with a map descriptive of such Map of lands. lands and tenements, to the court of Common Pleas of said county of Pike, which shall be held next after the completion of the same, and the said report having been confirmed by the said court and filed in the prothonotary's office, with the map aforesaid, and the said president and directors having paid the said owners respectively, or tendered to them, the several sums awarded to be paid to them, in and by the said report, and having also paid the fees of the said freeholders, at the rate of two dollars each for every day employed by Fees for estimating damages. them in the said business, and their necessary expenses, the said company shall become the owners and proprietors of, and be entitled to have and to hold, to them and their successors and assigns, forever, the said lands and tenements, as fully and effectually as if the same had been granted to them by the respective owner or owners thereof; and thereupon and thenceforth, it shall and may be lawful for the said president and directors; and all persons acting by their authority, to enter upon the said lands or tenements, and to

commence and complete the erection of said bridge, and otherwise to appropriate the said lands and tenements respectively, to the uses and purposes herein mentioned or contemplated, with regard to them respectively.

Powers of the
board to en-
ter upon
lands, etc.

Notice to
owners.

Damages—
how ascer-
tained.

Damages and
costs to be
paid.

Just ac-
counts to be
kept and sub-
mitted annu-
ally to the
stockholders.

SECTION 9. It shall and may be lawful for the president and directors aforesaid, their superintendents, engineers, artists, and agents of every kind, to enter into and upon all lands and enclosures in the said county of Pike, within convenient distance of the place where said bridge is to be built, and to examine the ground, for the purpose of obtaining stone, gravel or sand, necessary for the building of the said bridge, and it shall and may be lawful for the said directors, superintendents, engineers, or any other persons employed in building of the said bridge, to enter such enclosures with wagons, carts, sleds or sleighs, or beasts of burthen or draught, of any kind whatsoever, and to dig, take and carry away any stone, gravel, sand or earth, most conveniently situated, and which should be necessary for constructing or maintaining the said bridge, or the piers, abutments, or other supports, or parts thereof, or works connected therewith, first giving notice to the owners of such enclosures, or their agents, if they shall reside thereon, or within ten miles of the same, doing as little damage as possible, and afterwards repairing any breaches of fences they may have occasion to make, and also making amends for any damages that may be done, which damages shall be ascertained by the parties, if they can agree, or if they cannot agree, then by appraisement thereof, to be made upon oath or affirmation, by three disinterested freeholders of the neighbourhood, or any two of them, to be mutually chosen by the parties for that purpose: or if the owner, or the said directors, superintendents, engineers, or other persons employed as aforesaid, shall neglect or refuse, upon reasonable notice, to join in the choice, then to be appointed by any justice of the peace of the said county of Pike, not interested on either side, and such damages shall forthwith, after such appraisal, be paid by the said corporation to the person or persons entitled to receive the same, together with the costs and charges attending such appraisal, and in case of default, may be sued for and recovered with costs of suit, in any court having cognizance thereof.

SECTION 10. The president and directors of the said company shall keep fair and just accounts of all moneys received by them from the stockholders or others, and of the profits on shares which may be forfeited as aforesaid, and of all voluntary contributions, and also of all moneys by them expended in the prosecution of the said work or otherwise, for and on account of the said company, and shall, at least once in each year, submit such accounts to a general meeting of the stockholders, until the said bridge be completed, and

until all costs, charges, and expenses for effecting the same, and for constructing the work, works and roads connected therewith, shall be fully paid and discharged, and the aggregate amount of all such expenses shall be liquidated and ascertained.

SECTION 11. When a good and complete bridge is erected over the said river Delaware, at the place aforesaid, the property of the said bridge, and of the works connected therewith, shall be vested in the said company, successors and assigns, forever, and the said company, their successors and assigns, shall be entitled to demand and receive toll from travellers and others passing over the said bridge, not exceeding the following rates: for every coach, landau, phaeton, or other pleasurable carriages with four wheels, drawn by four horses, the sum of fifty cents; for the like carriages, drawn by two horses, the sum of thirty-seven and a half cents; for every wagon with four horses, the sum of fifty cents; for every wagon of the same description drawn by two horses, the sum of thirty-one and a fourth cents; for every chaise, riding chair, sulkey, cart, or other two wheel carriage, or a sleigh or sled, with two horses, the sum of thirty-one and a fourth cents; for the same with one horse, the sum of eighteen and three-fourths cents; for a single horse and rider, the sum of twelve and a half cents; for every led or driven horse or mule, the sum of six and a quarter cents; for every foot passenger, the sum of two cents; for every head of horned cattle, the sum of three cents; for every sheep or swine, the sum of one cent: *Provided*, That all persons going to and returning from funerals, persons going to or returning from any religious meeting or church, and children going to and returning from school, shall pass free of toll: *And provided further*, That the said company shall so erect said bridge, as in nowise to stop, intercept or injure the navigation of the said river, or prevent boats or rafts from passing, or persons from fording the same.

SECTION 12. If any person or persons shall wilfully cut, destroy, break, or remove from the said bridge, or any part thereof, any piece or pieces of timber, plank or planks, stone or stones, chair or chairs, bolt or bolts, or any other material whatsoever, belonging to said bridge, or the abutments thereof, or works connected therewith, or otherwise wilfully or malicious damage the same, or the banks of the river contiguous thereto, he, she or they so offending, shall forfeit and pay to the use of the said company for every such offence, over and above the damage done to the said bridge, abutments, or bank, the sum of thirty dollars, to be recovered by the said company, their successors or assignees, in any court having cognizance of the same.

SECTION 13. If the said company, their successors or assignees, or any person or persons by their authority,

Penalty for exacting more than the lawful toll.

privity, or consent, shall collect or demand any greater prices or compensation for passing over the said bridge than is hereinbefore prescribed and specified, or shall in any instance when the said bridge shall be out of repair, neglect to repair the same, for any greater length of time than shall be reasonably requisite for that purpose, he, she or they so offending, shall for every such offence forfeit and pay the sum of thirty dollars, one-third part thereof for the use of the poor of the county of Pike, in Pennsylvania, and one-third part thereof for the use of the poor of the county of Orange in the state of New York, and the other third part thereof for the use of person or persons who may sue for the same: *Provided always*, That no such suit or action shall be brought or maintained, unless the same shall be commenced within thirty days after such offence shall be committed.

Proviso.

Ferries and shad fisheries.

SECTION 14. The said president and directors shall have power to agree with the owner or owners of any ferries or shad fisheries that may be injured by the erection of said bridge, and to compensate him or them for any damages he or they may thereby sustain; and if they cannot agree with such owner or owners, then and in such cases, the damages shall be ascertained and paid in the same manner as is provided for in the ninth section of this act: *Provided*, That no person shall receive any compensation for ferrying at any ferry which shall have been purchased and paid for by the said company, after the said bridge shall have been completed.

Proviso.

Dividends.

SECTION 15. The said president and directors shall keep a just and true account of all monies received by them, or their respective collectors of tolls, or other agents, for crossing the said bridge, and shall at stated periods, make and declare a dividend or distribution of such monies among all the stockholders of said company, first deducting from the amount all contingent costs and charges, and such proportion of said income as may be deemed necessary for a growing fund, to provide against the decay and for the rebuilding and repairing of said bridge, and shall, on the first Monday of May and November in each and every year, publish the dividend to be made of the clear profits among the stockholders, with notice of the time and place when and where the same will be paid, and shall cause the same to be paid accordingly.

Banking and insurance prohibited.

SECTION 16. The said company shall not employ any of their funds in any banking or insurance company, nor issue any notes or checks in the form of bank notes, or use or exercise any banking privileges or powers.

State of New York to assent.

SECTION 17. This act shall not take effect or go into operation, until the legislature of the state of New York shall have passed an act appointing or authorizing the

appointment of commissioners, to act with the commissioners named in the second section of this act, in receiving subscriptions to the stock of the said company, and performing the several other duties hereby assigned to the said commissioners, and declaring the assent of the said state of New York to the incorporation of the said company, with the rights, powers and privileges hereby conferred, and subject to the duties and responsibilities hereby imposed on them, or intended so to be.

SECTION 18. The company hereby incorporated, shall ^{Time of com.} cease to be a body corporate, if they shall not within two ^{mencing and} years from the time of their incorporation, have commenced ^{completing} the construction of the said bridge, and shall within three ^{the bridge.} years from the same period have completed the same, and the roads connected therewith, so far as to render the same safe and convenient for the public use.

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The first day of April, Anno Domini, eighteen hundred and thirty-six.

IOS: RITNER.

No. 122

An Act

To authorize the Governor to incorporate a company to make a turnpike road from the Nanticoke Dam in Luzerne county, via Shickshinny and Columbus, to Hughesville, in Lycoming county, and also an act relative to the Milford and Owego turnpike road, and to incorporate the Washington and West Middleton turnpike road company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That John Ephlin, Thomas Downing, Commission- Abraham Bodine, John Hill, Evan Thomas, Thomas Ellis, ers.*

John R. Dean, Chester Butler, Joshua Pugh, John M. Henry, Henderson Gaylord, Elijah W. Reynolds, John Koons, John Peal, Alexander Colly, George Rhone, John Dodson, Charles Barret, Jarius Harrison, Richard B. Farr, Israel Ludlow, be and they are hereby appointed commissioners, to do and perform the several things hereinafter mentioned, that is to say: they shall on or before the first Monday of June next, procure two books or more, and in each of them enter as follows: "We whose names are hereunto subscribed, do promise to pay to the president and managers of the Nanticoke and Hughesville-turnpike road company, the sum of twenty-five dollars for every share of stock in said company set opposite to our respective names, in such manner and proportions, and at such times, as shall be determined by the president and managers of said company, in pursuance of an act of the general assembly of this commonwealth, entitled 'An act to authorize the Governor to incorporate a company for making a turnpike road from the Nanticoke dam in Luzerne, to Hughesville in Lycoming county;' Witness our hands, the day of , in the year of our Lord one thousand eight hundred and ;" and thereupon shall give notice in two or more public papers, for twenty days at least, of the time and places when and where the said books shall be opened to receive subscriptions for the stock of the said company, at which times and places one of the said commissioners shall attend, and permit and suffer all persons of lawful age, who shall offer to subscribe in said books, in their own names or in the name or names of any other persons who shall duly authorize the same, for any number of shares of stock; and the said books shall be kept open respectively for the purposes aforesaid, at least six hours in every juridical day for the space of six days, or until the said books shall have two hundred shares therein subscribed, and if at the expiration of the said six days, the books aforesaid shall not have the said number of two hundred shares therein subscribed, the commissioners respectively may adjourn from time to time, and transfer the said books from place to place, until the whole number of shares shall be subscribed, of which adjournment and transfers the commissioners aforesaid shall give such public notice as the occasion may require, and when the whole number of shares subscribed shall amount to two hundred, the same shall be closed: *Provided always*, That every person offering to subscribe in said books, in his own or any other name, shall previously pay to the attending commissioner or commissioners the sum of one dollar for every share to be subscribed, out of which shall be defrayed such incidental charges and expenses as may be necessary for taking such subscription, and the remainder shall be paid over to the treasurer of the corporation as soon as the same

To procure books.

Form of subscription.

Shares \$25 each.

Who may subscribe.

Whole number of shares 200.

Proviso.

shall be organized, and the officers chosen, as hereinafter mentioned.

SECTION 2. When twenty persons or more shall have subscribed one hundred shares of the said stock, the said commissioners respectively may, or when the whole number of shares aforesaid shall be subscribed, they shall certify under their hands and seals, the names of the subscribers, and the number of shares subscribed by each, to the Governor of this commonwealth, whereupon, it shall and may be lawful for the Governor, by letters patent, under his hand and the seal of the state, to create and erect the subscribers, and if the subscription be not full at the time, then those who shall afterwards subscribe to the number aforesaid, into one body politic and corporate, in deed and in law, by the name, style and title of "The president and managers of Nanticoke and Hughesville turnpike company," and by the said name the subscribers shall have perpetual succession, and all the privileges and franchises incident to a corporation, and shall be capable of taking and holding the said capital stock, and the increase and profits thereof, of enlarging the same from time to time by new subscriptions, in such manner and form as they shall think proper, if such enlargement shall be found necessary to fulfil the intent of this act, and of purchasing, taking and holding, to them and their successors and assigns, and of selling, transferring and conveying, in fee simple or for any less estate, all such lands, tenements, hereditaments and estate, real and personal, as shall be necessary to them in the prosecution of their works, and of suing and being sued, and of doing all and every other matter and thing which a corporation or body politic may lawfully do.

SECTION 3. The commissioners aforesaid, as soon as conveniently may be after the said letters patent shall be sealed and obtained, shall give public notice in two public papers, of a time and place by them to be appointed, not less than twenty days from the publication of the first notice, of which time and place the said subscribers shall proceed to organize the said corporation, and shall choose, by a majority of votes of the subscribers, by ballot, to be delivered in person or by proxy duly authorized, one president, six managers, one treasurer, and such other officers as may be necessary to conduct the business of the said company for one year, and until such other officers be chosen, and shall and may make such by-laws, rules, orders and regulations, not inconsistent with the constitution and laws of the United States and of this commonwealth, as shall be necessary for the well ordering the affairs of the said company: *Provided always*, That no person shall have more than ten votes at any election, or in determining any question arising at such meeting, whatever number of shares he

may be entitled to, and that each person shall be entitled to one vote for every share by him held under that number.

Powers of
the president
and managers.

Act of 9th
March, 1814,
extended to
this company

Dimensions
of road and
manner of
construct-
ing it.

Proviso.

SECTION 4. It shall be lawful to and for the said president and managers, their superintendents, surveyor, artists and chain-bearers, to enter in and upon all and every the lands, tenements and enclosures, in, through and over which the said intended turnpike road may be thought proper to pass, and examine the ground most proper for the purpose, as well as the materials in the vicinity that may be necessary in making and constructing the said turnpike road, and to survey, lay down, ascertain, mark, and fix, such route or track for the said road, as is in the best of their skill and judgment will combine shortness of distance with the most practicable ground, making Shickshinny and Columbus points of said road, and generally, they shall have like powers, authorities and privileges, necessary for carrying on and completing said turnpike road, and be subject to all the duties, qualifications, restrictions, penalties, fines and forfeitures, and be entitled to like tolls and profits, in proportion to the distance, as are given and granted to the president, and managers and company of the Stoystown and Greensburg turnpike road, in and by an act of assembly of this commonwealth, passed the ninth day of March, Anno Domini, one thousand eight hundred and fourteen, and may have the road inspected and charge toll on the same, as soon as five miles shall have been completed.

SECTION 5. The president and managers of the said road shall make, or cause the same to be made, not less than twenty-five nor more than fifty feet in width, and at least eighteen feet thereof shall be made an artificial road, in the following manner, to wit: all the timber shall be taken out by the roots and removed from the road, which shall, where the original location is level, or nearly so, be at least two feet higher in the centre than at the sides; it shall be well and sufficiently ditched, so as to carry off the water, and keep the road in its foundation firm and dry, it shall be constructed of firm and substantial materials, composed of wood, gravel, stone, slate, sand, or other hard substance, such as the nature of the ground along which the road may pass will admit of, so as to secure a solid foundation, a smooth and firm surface, and a well made permanent highway, and so nearly level in its progress, that it shall in no place rise or fall more than will form an angle of five degrees, with a horizontal line: *Provided*, That if in the opinion of the said president and managers, any part of the ground on the route of said road shall be so hard and compact as to make a good road without any covering of wood, gravel, stone, slate, or other hard substance, the said president and managers are hereby authorized to construct such

part of said road without any such covering, and shall keep the said road in perfect order and repair.

SECTION 6 The election for president, treasurer and Annual electors of said company, shall be held annually on the second Monday of January.

SECTION 7. It shall be lawful for the president and managers of the Milford and Owego turnpike road company, to re-locate and re-construct such portions of the road as they may deem proper, and in the re-construction, the company shall be subject to the previous acts of assembly relative to said company, as if expressed here at length. Milford and Owego turnpike company may re-locate, etc.

SECTION 8. That for the purpose of making a turnpike road from the borough of Washington, in Washington county, to the Wellsburg turnpike, at the point where it intersects the Virginia line, Thomas M'Call, Thomas M'Keever, James M'Fadden, David Craig, James Thompson, Hugh Hamilton, John Boyd, William Wiley, William V. Leet, Robert Wiley, Isaac Hewet, Colin M. Reed, John K. Wilson, John S. Brady, David M. Guger, Richard Carter, David T. Archer, George Plummer, Mathew M'Keever, John Lawrie, T. J. Odenbaugh, David M'Gugin, William Patterson, Joseph Lane, and John Dagg, be and they are hereby appointed commissioners to do and perform the duties hereinafter mentioned, that is to say: they shall procure books and enter therein as follows: "We whose names are hereunto subscribed, do promise to pay the president and managers of the Washington and West Middletown turnpike road company, the sum of fifty dollars, for every share by us subscribed, in such manner and proportions, and at such times and places as shall be determined on by the said president and managers, in pursuance of an act entitled 'An act authorizing the Governor to incorporate the Washington and West Middletown turnpike road company;' Witness our hands the day of , Anno Domini, one thousand eight hundred and ;" and shall give at least thirty days notice, in at least two of the newspapers published in the county of Washington, of the time and place when and where the said books shall be open to receive subscriptions of stock of the said company, at which time and place, some one or more of the said commissioners shall attend, and receive subscriptions from all persons of lawful age who shall offer to subscribe in said book, which shall be kept open for the purpose aforesaid, at least six hours in each juridical day, for the space of six days, or until the books shall have subscribed therein six hundred shares; and the said commissioners may adjourn from time to time, and transfer the books from place to place, until the whole number of shares aforesaid shall be subscribed, of which adjournment and transfer the said commissioners shall give such notice as the occasion may require: *Provided always,*

Commissioners.
To procure books.
Form of subscription.
\$50 each share.
Notice.
Who may subscribe.
600 shares..

Proviso.

§2 on each share to be paid.

When letters patent shall issue.

Name, style and title.

Powers and privileges.

Company to be organized, and how.

That every person offering to subscribe in said books, in his own or any other name, shall previously pay to the attending commissioner or commissioners, the sum of two dollars for every share to be subscribed, out of which shall be defrayed such incidental charges and expenses as may be necessary for taking such subscriptions, and the remainder shall be paid over to the treasurer of the corporation, as soon as the same shall be organized and the officers chosen, as hereinafter mentioned.

SECTION 9. When twenty or more persons shall have subscribed three hundred or more shares, and the said commissioners, or a majority of them, shall have certified, under their hands and seals, to the Governor, the names of the subscribers, and the number of shares subscribed by each, it shall be lawful for the Governor, by letters patent, under his hand and seal of the state, to create and erect the subscribers, and also all those who may afterwards subscribe, into one body politic and corporate, in deed and in law, by the name, style and title of "Washington and West Middleton turnpike road company;" and by the said name the said subscribers shall have perpetual succession, and the privileges and franchises incident to a corporation, and shall be capable of taking and holding their said capital stock and the increase and profits thereof, and enlarging the same from time to time by new subscriptions, in such manner and form as they shall think proper, if such enlargement shall be found necessary to fulfil the intention of this act, and of purchasing, taking and holding, to them and their successors and assigns, and of settling, transferring and conveying, in fee simple or for any less estate, all such lands, tenements, hereditaments and estate, real and personal, as shall be necessary to them in the prosecution of their work, and of suing and being sued, and of doing all and every other matter and thing which a corporation or body politic may lawfully do.

SECTION 10. That the stockholders, or any two of them named in the letters patent, shall, as soon as conveniently may be after the issuing of the same, give notice in at least two of the newspapers published in the county of Washington, of a time and place to be by them appointed, not less than twenty days from the time of the first notice, at which time and place the said subscribers, or as many of them as may be then present, shall proceed to organize the said company, and shall choose by a majority of the said subscribers, by ballot, either in person or by proxy duly authorized, one president, six managers, one treasurer, and such other officers as may be necessary to conduct the business of said company for one year, and from thence until the next annual election, and until such other officers shall be chosen and organized agreeably to the provisions of this act; and in case

of the death, removal or resignation of any president or manager, the board of managers may and shall choose another to supply the vacancy, until the next said annual election of said company; they may make and have one common seal, and the same may break, alter and renew at their pleasure, and may make such by-laws, rules, orders and regulations, not inconsistent with the constitution and laws of this state, as shall be necessary for the well ordering of the affairs of the corporation: *Provided*, That each subscriber shall be *Proviso.* entitled to one vote for every share of stock by him or her held, not exceeding five, but no share or number of shares above five, shall entitle the holder to more than two votes at any election or meeting of said company: *And provided* *2d Proviso.* *also*, That no stockholder, whether original subscriber or assignee, shall be entitled to vote at any election or meeting of said company, unless the whole sum due and payable on the share or shares by him or her held at the time of such election or meeting, shall have been fully paid and discharged.

SECTION 11. That if any treasurer elected by virtue of *Treasurer to* this act, shall die, resign, or refuse to act, or neglect to give *give security.* such security for the faithful discharge of the duties of his office as the board of managers may direct and require, or having given the security required, shall neglect or refuse to take upon him and perform all the duties of said office, it shall be the duty of the said managers for the time being, to appoint some suitable person treasurer. which person so appointed, shall hold the office to which he shall have been appointed until the next election by the stockholders, on his giving the requisite security, and until a successor shall be duly elected and give the security required.

SECTION 12. That the stockholders shall meet on the first *Annual elec-* Monday in March in each succeeding year, at such place *ation.* shall be fixed by the by-laws of said company, for the purpose of choosing, in manner aforesaid, such officers as aforesaid, for the year ensuing the terms of service of those previously elected.

SECTION 13. The said president and managers shall make *Certificates.* out certificates of stock, signed by the president and countersigned by the treasurer, and sealed with their corporate *Seal.* seal, and deliver one such certificate to each subscriber, for any share or number of shares by him or her held, on his or her paying to the treasurer on each share so held the sum of five dollars, which certificates shall be transferrable, in person or by attorney, on the books of the said company, only subject to the sum due or to become due on the shares so transferred.

SECTION 14. It shall and may be lawful for the said presi- *Powers of the* dent and managers, their superintendents, surveyors, engi- *president and* neers, artists and chain bearers, to enter in and upon all and *managers.*

every the lands, tenements and enclosures in, through and over which the said intended turnpike road may be the proper to pass, and for that purpose to examine ground, and the quarries of stone and gravel, and other materials that may be necessary in making and constructing the said road, and to survey, lay down, ascertain, mark and fix such route for said road, as in the best of their judgment and skill will combine shortness of distance with the most eligible ground, within the point aforesaid.

Quorum.

Minutes.

Secretary.

SECTION 15. The said president and managers, five of whom shall for all purposes be a quorum, shall keep minutes of all their proceedings, fairly entered in a book to be kept for that purpose, and shall have full power and authority to appoint, agree or contract with such engineers, superintendents, artists, labourers and other persons, as they may think necessary to make and construct said road, and collect the tolls hereinafter authorized, and to fix their compensation, to ascertain the times, manner and proportions in which the stockholders shall pay the amount of their respective shares in order to carry on the work, to draw orders on the treasurer for all debts contracted by them, which orders shall be signed by the president, or in his absence, by a quorum of the managers, and attested by their secretary, and to do and transact all other acts, matters and things, as by the by-laws, orders and regulations of the said company, shall entrust to them.

Penalty.

Forfeiture.

SECTION 16. If any stockholder, whether original subscriber or assignee, after thirty days notice in two newspapers printed in the county of Washington, of the time and place appointed for the payment of any instalment or proportion of the capital stock, shall neglect to pay such proportion at the place appointed, for the space of sixty days after the time appointed for the payment thereof, every such stockholder shall, in addition to the instalment so called for, pay at the rate of two per centum per month, for every delay of such payment, and if the same and additional penalty shall become equal to the sums before paid in part on account of such share, the same may be forfeited by and to the said company, and be sold by them for such price as can be obtained therefor; or in default of payment of any stockholder of any such instalments as aforesaid, for the space of sixty days as aforesaid, the president and managers may at their election, cause suit to be brought, in the same manner as debts of like amount are now recoverable, for the recovery of the same, together with the penalty aforesaid.

President and managers may enter upon lands.

SECTION 17. It may be lawful for the said president and managers, by and with their superintendents, engineers, artists, workmen and labourers, their tools and instruments, carts, wagons and other carriages, and beasts of draught or

burden, to enter in and upon the lands contiguous and near to which the said road shall be made or constructed, first giving notice of their intention to the occupiers thereof, and doing as little damage thereto as possible, and making amends for damages upon reasonable and equitable agreement by the parties, or if they cannot agree thereupon, a just and equitable assessment, to be made upon oath or affirmation, by three disinterested freeholders, or any two of them, to be mutually chosen, or if either party upon due notice, shall neglect or refuse to join in the choice, then to be chosen by a justice of the peace of the county of Washington, who shall not be interested therein, and upon the tender of the assessed value, to dig, take and carry away any timber, stone, sand, earth or other materials necessary or suitable for the making said road.

SECTION 18. The said president and managers shall keep fair and just accounts, as well of all monies received by them as of those laid out and expended in the prosecution of said work, and shall, at least once in every year, submit their books and accounts to a general meeting of the stockholders, and whenever it shall be ascertained that the capital stock of said company is not sufficient to complete the said road, according to the true intent and meaning of this act, it shall and may be lawful for the president and managers, at a stated meeting, convened according to the provisions of this act, or their own by-laws, to increase the number of shares to such extent as they shall deem sufficient to accomplish the work, and to demand and receive the monies subscribed for such additional shares, in like manner and under like penalties as are provided by this act in the case of the original subscription.

SECTION 19. The said president and managers shall have power to erect good and sufficient bridges over all the streams of water crossed by said road, and shall cause a road to be laid out, not exceeding fifty feet in width, and shall cause at least twenty-one feet of said width to be made an artificial road, on the M'Adamized plan, as follows: of good hard stone, broken so small as to pass through a ring two and a-half inches in diameter, to be laid on in the centre to the depth of ten inches, and at the sides to the depth of seven and a-half inches, and a summer road to be made on each side of the stoned part, of six feet in width, except where it will require more than two feet deep of cutting, and in that case there shall be a water way of two feet in width, and in no place in said road shall there be an elevation of more than five degrees from a horizontal line, and shall forever thereafter maintain and keep the same in good order and repair.

SECTION 20. That whenever and so often as the said company shall have finished five miles or more of said road, the

Viewers.

Gates.

Proviso.

president thereof may give notice to the Governor, who shall thereupon, forthwith appoint three skilful, judicious, and disinterested persons to view and examine the same, and report, on oath or affirmation, to him, whether the road is so far executed in a competent and workmanlike manner, according to the true intent and meaning of this act, and if their report shall be in the affirmative, then the Governor shall, by license, under his hand and seal of the state, permit and suffer said company to erect and fix such and so many gates or turnpikes on and across the said road, as will be necessary and sufficient to collect from all persons traveling the same, otherwise than on foot, the same tolls which are hereinafter authorized and granted: *Provided*, That all persons attending funerals, military parades or trainings, or divine worship on the Sabbath day, shall at all times be exempted from the payment of any tolls on said road.

Act of 9th
March, 1814,
extended to
this company

Time of com-
mencing and
completing
the road.

SECTION 21. For collecting and receiving tolls, and for every attempt to evade the payment thereof, for every neglect to keep the said road in good repair, for the increase, diminution and application of tolls, the erection of index posts, and for injuring and defacing the same, for the regulation of the traveling on the said road, and for limitations of action and for the recovery and application of fines and penalties for offences against this act, the said company shall have all the powers, authorities, rights and privileges, and be subject to all the penalties which are given and granted to the president, managers and company of the Greensburg and Pittsburg turnpike road, in and by an act of assembly of this commonwealth, passed the ninth day of March, Anno Domini, one thousand eight hundred and fourteen.

SECTION 22. That if the said company do not commence making the said road within three years after the passing of this act, and complete the same within six years thereafter, then this act shall be void.

NER MIDDLESWARTH,
Speaker of the House of Representatives.
THOMAS S. CUNNINGHAM.

Speaker of the Senate.

APPROVED—The first day of April, A. D. eighteen hundred and thirty-six.

JOS: RITNER.

No. 123.

An Act

To incorporate the Lebanon Valley railroad company.

SECTION. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That John Moss, Simon Gratz, Wil-Commission-
 liam H. Keating, Edward R. Biddle, Elihu Chauncey, ers.
 Henry Nixon, Coleman Fisher, Mathew C. Ralston, Thomas
 Biddle, William D. Lewis, A. G. Jaudon, John F. Stump,
 William H. Orr, Henry White, Alexander Lardner, and
 George W. Edwards of Philadelphia, Daniel H. Boas,
 Samuel Bell, and William Darling of Reading, George
 Lineaweaver, John S. Shertzer, George W. Kline, George
 F. Miller, Jacob Wise, Samuel S. Rex, John W. Gloninger,
 Peter Herst, Thomas Harper, William Moore, John Krause,
 John George, Edward P. Pearson, Thomas B. Coleman,
 Jacob B. Weidman, and Jefferson Sherk of Lebanon county,
 Simon Cameron, George Mish, Abraham Bombaugh, Wil-
 liam M'Clure, Samuel Shoch, William Ayres, and
 David Krause of Dauphin county, Jacob Gehr, George M.
 Keim, George Gernand, Joseph Smucker, John Miller, Sam-
 uel Adams, Adam Ruth, John Hain, John Seltzer, Jos. D.
 Biles, John B. Trevor, John Cadwalader of Berks county, or
 any five of them, be, and they are hereby appointed com-
 missioners to do and perform the several things herein-
 after mentioned, that is to say: they shall procure a suf-To procure
 ficient number of suitable books, in each of which they books.
 shall enter as follows: "We whose names are hereunto Form of sub-
 subscribed, do promise to pay to the president and mana-scription.
 gers of the Lebanon Valley railroad company, the sum of
 fifty dollars for every share of stock set opposite to our
 respective names, in such manner and proportions, and at
 such times as shall be determined by the president and
 managers of the said company, in pursuance of an act of
 the general assembly of this commonwealth, entitled 'An
 act to incorporate the Lebanon Valley railroad company;"
 Witness our hands this day of , in the year
 of our Lord one thousand eight hundred and ;" And
 shall thereupon give notice, in two newspapers printed in Notice.
 each of the counties of Dauphin, Lebanon and Berks, and
 two daily papers in the city of Philadelphia, three weeks
 at least, of the times and places when and where the said
 books shall be kept open to receive subscriptions for the

Who may subscribe.	<p>stock of the said company, at which respective times and places, one or more of the commissioners shall attend, and permit all persons of lawful age who shall offer to subscribe in the said books, in their own name or the name of any other person who shall authorize the same, for any number of shares in the said stock, and the said books shall be kept open respectively for the purpose aforesaid, at least six hours in every juridical day, for the space of</p> <p>15,000 shares six days, or until there shall have been subscribed fifteen thousand shares, and if at the expiration of six days, the books aforesaid shall not have the number of shares aforesaid therein subscribed, the said commissioners may adjourn from time to time, and transfer the book or books elsewhere, until the whole number of fifteen thousand shares shall be subscribed, of which adjournment and transfer, the commissioners aforesaid shall give such public notice as the occasion may require, and when the whole number of shares shall be subscribed, then the books shall be closed; but no</p> <p>\$5 to be paid on each share subscription shall be valid, unless the person so subscribing shall pay to the said commissioners at the time of making the same, the sum of five dollars on each share, for the use of the company.</p>
When letters patent shall issue.	<p>SECTION 2. When four thousand shares or more of the said stock shall be subscribed, and five dollars on each share paid to the commissioners, the said commissioners, or a majority of them, may certify the same, under oath or affirmation, to the Governor, whereupon the Governor shall, by letters patent, under his hand and the seal of the commonwealth, create and erect the subscribers, and if the subscription be not full at the time, then also those who shall thereafter subscribe to the number of shares as aforesaid, into a body politic and corporate, in deed and in law, by the</p> <p>Name, style and title. name, style and title of "The Lebanon Valley railroad company;" and by the same name the subscribers shall have perpetual succession, and be able to sue and be sued.</p> <p>Powers and privileges. implead and be impleaded, in all courts of record and elsewhere, and to purchase, receive, have, hold and enjoy, to them and their successors, lands, tenements and hereditaments, goods, chattels, and all estate, real, personal, or mixed, of whatever kind or quality soever, and the same from time to time to sell, mortgage, grant, alien or dispose of, and to make dividends of such portions of the profits as they may deem proper; and also to make and have a common seal, and the same to alter or renew at pleasure, and also to ordain, establish, and put in execution such by-laws, ordinances and regulations, as shall appear necessary and convenient for the government of the said corporation, not being contrary to the constitution and laws of the United States or of this commonwealth, and generally, to do all and singular, the matters and things which to them it shall law</p>
Seal.	
By-laws.	

fully appertain to do for the well being of the said corporation, and the due management and ordering the affairs of the same: *Provided*, That nothing herein contained shall be considered as in any way giving to the said corporation any banking privileges whatever, or any other liberties, privileges or franchises, but such as may be necessary or incident to the making and maintaining of the said railroad. Proviso.

SECTION 3. The president, managers and company of the said railroad company, shall have power to survey, lay down, ascertain, mark and fix such route as they shall deem expedient for a double or single railroad, beginning at a point on the Philadelphia and Reading railroad, at or near Reading, to a point at Schaefferstown, in Lebanon county, thence through Lebanon, to intersect the Harrisburg, Portsmouth, Mountjoy and Lancaster railroad, at or below Harrisburg, having due regard to the situation or nature of the ground, and of the buildings thereon, the public convenience, and the interest of the stockholders, and so as to do the least damage to private property, and the said road shall not pass through any burying ground nor place of public worship; the said president, managers and company shall, within six months after ascertaining the route of the said railroad, cause an accurate survey of the lines of the said road to be made, a map or plot of which survey they shall cause to be filed in the Secretary's office of this state, which map or plot, or a certified copy thereof, shall be sufficient evidence of the course of said road, which may then be opened, and all the expenses incurred thereby shall be defrayed by said company. Route: Map of road to be filed in the Secretary's office.

SECTION 4. That the third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, nineteenth, twentieth, twenty-first, twenty-second, twenty-fourth, and twenty-fifth sections of the act passed the fourth day of April, one thousand eight hundred and thirty-three, entitled "An act to authorize the Governor, to incorporate the Philadelphia and Reading railroad company, be and the same are hereby made a part of this act, as fully and effectually as if it had been enacted section by section: *Provided*, That the mode of ascertaining damages provided for in the twelfth section above referred to, shall be made in the county where they occur. Portions of the act of 4th April, 1833, extended to this company

SECTION 5. The president and managers of the aforesaid company, shall annually, on the first Monday in December, transmit to the Auditor General a full statement of their affairs, under oath, and shall annually pay into the treasury of this commonwealth, a tax of eight per cent. on all dividends which may exceed six per cent. on the capital stock paid in. Annual statement of affairs to Auditor General. Tax.

Legislature reserves the right to regulate the toll and to purchase the road.

SECTION 6. The legislature reserves the right to reduce and regulate the tolls hereby authorized, and also the right of purchasing the said railroad, with all its appurtenances, at any time after the expiration of twenty years from the time of completing said road, by paying to said company the costs and expenses of constructing said road, and keeping the same in repair, together with eight per cent. per annum interest thereon, after deducting the amount of tolls collected by the said company.

NER MIDDLESWARTH,

Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,

Speaker of the Senate.

APPROVED—The first day of April, A. D. eighteen hundred and thirty-six.

JOS: RITNER.

No. 124.

An Act

To incorporate the Monroe Delaware Bridge Company.

Preamble.

WHEREAS, it is represented to the legislature by the petition of a number of the inhabitants of the county of Bucks, that the erection of a bridge over the Delaware river, at or near Monroe, would be a great convenience and accommodation to the public; Therefore,

Capital stock
\$20,000.
Shares fifty
dollars each.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the capital stock of Monroe Delaware Bridge company, shall amount to twenty thousand dollars, and that the same shall be divided into shares of fifty dollars each, and the subscribers to the said capital stock shall pay the sum or sums of money for the share or shares by them respectively subscribed, at such periods, and in such proportions as the directors of the said company may determine.

Commission-
ers.

SECTION 2. Joseph Hough, Daniel Boileau, Michael Fackenthall, Jr. John Hout, and Nicholas Buck, be and

are hereby appointed commissioners on the part of this state, who, with the commissioners to be appointed by the state of New Jersey, shall be authorized to receive subscriptions to the said capital stock, at such times and places as they or a majority of them may direct, giving notice thereof in two of the newspapers printed in the county of Bucks in this state, and in two of the newspapers printed in the county of Hunterdon in the state of New Jersey, for at least twenty days, of the times and places when and where the said subscriptions shall be received, and at the time of subscribing for the said stock, five dollars shall be paid upon each share subscribed for, to the commissioners or some of them, which money shall be paid over to the treasurer of the company, as soon as one shall be appointed, and that the residue of the subscriptions shall be paid in such instalments, and at such times and places, and to such persons, as the president and directors of the company shall from time to time direct and give public notice of, and upon failure of payment thereof, as so directed, for thirty days thereafter, the said president and directors shall have power to forfeit the shares of each and every person failing to pay the said instalments, or any of them, to and for the use of said company: *Provided*, That if the number of shares subscribed for shall exceed the amount or number of shares authorized by this act to be subscribed for, that then the said commissioners shall apportion the said stock among such subscribers, in proportion to the amount or number of shares by them subscribed as aforesaid.

SECTION 3. When three hundred shares are subscribed for, the persons holding the same shall be, and they are hereby incorporated into a company, by the name of the "Monroe Delaware bridge company," and by that name shall have perpetual succession, and all the privileges and franchises incident to a corporation, and shall be capable of taking and holding their said capital stock, and the increase and profits thereof, and of enlarging the same from time to time by new subscriptions, in such manner and form as they shall think proper, if such enlargement should be found necessary to fulfil the intent of this act, and of purchasing, taking and holding, to them and their successors and assigns, in fee simple or for any less estate, all such lands, tenements, hereditaments and estates, real and personal, as may be necessary and convenient to them in the prosecution of their work, and the same to sell and dispose of at their pleasure, and of suing and being sued, and of doing all and every other matter and thing which a corporation or body politic may lawfully do.

SECTION 4. As soon as three hundred shares of the said capital stock shall be subscribed as aforesaid, it shall be the duty of the said commissioners to give notice, in two or more

of the newspapers printed in the county of Bucks, in the state of Pennsylvania, and in the county of Hunterdon in the state of New Jersey, of a time and place by them to be appointed, not less than thirty days from the time of issuing the said notice, at which time and place the said stockholders

The company shall proceed to organize the said company, and shall choose to be organized, and how by ballot, a majority of votes, to be delivered in person or by proxy, one president, six directors, one treasurer, and such

other officers as they shall think necessary to conduct the business of the said company for one year, and until other officers shall be appointed, and may make such by-laws and regulations, not inconsistent with the laws and constitution of this state or of the United States, as shall be necessary for well ordering the affairs of the said company: *Provided,*

Proviso.

That no person shall have more than twenty votes at an election, or determining any question arising at such meetings, whatever number of shares he may be entitled to, and that each person shall be entitled to one vote for every share by him held not exceeding ten.

Annual election.

SECTION 5. The stockholders shall meet on the first Monday in November in every succeeding year, at such place as shall be fixed by the by-laws of said company, for the purpose of choosing such officers for the ensuing year.

Certificates.

SECTION 6. The president and directors first to be chosen as aforesaid, shall issue certificates of stock to the several stockholders respectively, signed by the president and countersigned by the treasurer of the said company, which certificates shall be transferrable at his or her pleasure, in person or by attorney, subject however to the payments due and that may grow due thereon, and the assignee holding any certificate, having first caused the assignment or transfer to be entered in a book of the company, to be kept by the treasurer for that purpose, shall for every share of stock so held by him or her, be entitled to his or her equal proportion of the said capital stock, and of all the estates and emoluments of the company, to vote as aforesaid at the meetings thereof.

Transferrable.

Meetings.

SECTION 7. The said president and directors shall meet at such times and places, and be convened in such manner as shall be agreed on, for transacting their business; at such

Quorum.

meetings five members shall be a quorum, who in the absence of the president may choose a chairman, and shall keep

Minutes.

minutes of all their transactions, fairly entered in a book,

Powers of the board.

and a quorum being met, they shall have full power and authority to agree with and appoint such engineers, superintendents, artists and other officers, as they shall think necessary to carry on the said bridge, and to complete the same, and fix their salaries and other wages, to determine the time, manner and proportions in which the stockholders shall pay the money due on their respective shares, to draw

orders on the treasurer for all monies that may be required, the same to be signed by the president or chairman, and countersigned by the clerk of the board, and to do and transact all matters and things as by the by-laws or regulations of the said company shall be lawful.

SECTION 8. After the place for the erection of the said President and bridge shall be fixed, and before the said president and directors to directors shall proceed to erect the same, it shall and may agree with be lawful for the said president and directors to contract owners of and agree with the owner or owners of any lands and tene- lands upon ments, for the purchase of so much thereof as shall be erect the necessary for the purpose of erecting and perfecting the bridge. etc. said bridge, and making and establishing all the necessary works and roads to and from the same, if they can agree with the owner or owners of the same, but in case they can- Mode of pro- not agree, then it shall and may be lawful for the said ceeding in president and directors to apply to one of the justices of the case of dis- Supreme court of this state, not being a stockholder or greement. otherwise interested, who upon such application, is hereby authorized and directed to appoint three discreet and disinterested freeholders of this state, who, after being duly sworn or affirmed, before any justice of the peace, faithfully to perform the duties enjoined on them by this act, shall proceed to view and examine the said banks, and all such lands and tenements as shall be necessary for the purpose of erecting and perfecting the said bridge, and making and establishing all necessary works and roads to and from the same, and shall, according to the best of their skill and judgment, ascertain and estimate the injury and damage that will be sustained by the owner or owners of such lands and tenements, so necessary to be taken as aforesaid, and shall report what sum shall be paid by the said company for the same, which report shall be made in writing, under their hands and seals, or under the hands and seals of any two of Map of lands' them, and shall return the same, together with a map describ- etc to be filed ing the metes and bounds of such lands and tenements, to the Supreme court next after they shall have agreed upon and signed the same, and the said report having been confirmed by the said Supreme court, shall be filed in the clerk's office of the said court, with the map aforesaid; and the said president and managers having paid the said owners respec- Sums award- tively, the several sums awarded to be paid to them in and ed and fees of by the said report, together with the fees of the said arbitra- arbitrators to tors, at the rate of two dollars to each for every day employed be paid. in the said business, and their necessary expenses, the said company shall be entitled to have and to hold, to them and their successors and assigns, forever, the said lands and tenements, as fully and effectually as if the same had been granted to them by the respective owners thereof, and it shall and may be lawful thereupon, and not before, for the

said president and directors to enter upon the said lands and tenements, and to commence and to complete the erection of the said bridge.

President & directors may enter into and upon lands.

Damages shall be ascertained.

Just accounts to be kept & submitted annually to the stockholders.

Rates of toll.

SECTION 9. It shall and may be lawful for the president and directors aforesaid, their superintendents, engineers, and artists of every kind, to enter into and upon all lands and enclosures near to the place where the said bridge is to be built, and to examine the ground for the purpose of obtaining stone, gravel or sand necessary for the building of the said bridge, and it shall and may be lawful for the said directors, overseers, superintendents, or any other persons employed in building the said bridge, to enter with wagons, carts, sleds or sleighs, or beasts of burden and draught, of any kind whatsoever, first giving notice to the owners, doing as little damage as possible, and repairing any breaches of fences they may have occasion to make, and first making amends for any damage that may be done, which damages shall be ascertained by the parties, if they can agree, or if they cannot agree, then by appraisement thereof, to be made upon oath or affirmation, of three disinterested freeholders of the neighbourhood, or any two of them, to be mutually chosen, or if the owner, or managers, or superintendents, engineers, or artists, upon due notice, shall neglect or refuse to join in the choice, then the said freeholders to be appointed by any justice of the peace of the county, not interested on either side, and the said managers or other persons by them employed as aforesaid, after tender of the appraised value to the owner, may enter and dig, take and carry away any stone, gravel, sand or earth, most conveniently situated, for making and repairing said bridge.

SECTION 10. The president and directors of the said company shall keep fair and just accounts of all monies received by them from the said commissioners, and from the stockholders, and of the amount of the profits on shares that may be forfeited as aforesaid, and of all voluntary contributions, and also of all monies by them expended in the prosecution of the said work, and shall, at least once in each year, submit such accounts to a general meeting of the stockholders, until the bridge be completed, and until all the costs, charges and expenses for effecting the same, shall be fully paid and discharged, and the aggregate amount of all such expenses shall be liquidated and ascertained.

SECTION 11. That when a good and complete bridge is erected over the said river Delaware, at the place aforesaid, the property of the said bridge shall be vested in the said company aforesaid, their successors and assigns, forever, and the said company, their successors and assigns, may demand and receive toll from travellers and others, not to exceed the following rates: for every coach, landau, chariot, phaeton, or other pleasurable carriages, with four wheels,

drawn by four horses, the sum of seventy-five cents; for the same carriage with two horses, the sum of fifty cents; for every wagon with four horses, the sum of sixty-three cents; for every carriage of the same description drawn by two horses, the sum of fifty cents; for every chaise, riding chair, sulkey, cart, or other two wheel carriage, or a sleigh or sled, with two horses, the sum of thirty-one and a fourth cents; for the same with one horse, the sum of fifty cents; for a single horse and rider, the sum of ten cents; for every led or driven horse, or mule, the sum of five cents; for every foot passenger, the sum of one cent; for every head of horned cattle, the sum of three cents; for every sheep or swine, the sum of half a cent; *Provided*, That all persons going to and returning from funerals, persons going to or returning from meeting or church, children going to or returning from school, shall pass free of toll: *Provided also*, That in fixing the toll of all carriages drawn wholly by oxen, or partly by horses and partly by oxen, two oxen shall be estimated equal to one horse; and the said company shall so erect the said bridge, as in nowise to injure, stop, or interrupt the navigation of the said river, or prevent boats or rafts from passing, or persons from fording the said river.

SECTION 12. If any person or persons shall wilfully cut, destroy, break, or remove from off the said bridge, or any part thereof, any piece or pieces of timber, plank or planks, stone or stones, chain or chains, bolt or bolts, or any other materials whatsoever, belonging to said bridge, or otherwise wilfully or maliciously damage the same, he, she or they so offending, shall forfeit and pay for every such offence, over and above the damage done to the said bridge, the sum of thirty dollars, to be recovered in any court having cognizance thereof.

SECTION 13. If the said company, their successors and assigns, and whoever shall own or possess the said bridge, shall collect or demand any greater rate or prices for the passing over the said bridge than what are herein before prescribed and specified, or shall neglect to keep the said bridge in good repair, he, she or they so offending, shall for every such offence forfeit and pay the sum of thirty dollars, one third thereof for the use of the poor of the county of Bucks, in the state of Pennsylvania, and one third thereof for the use of the poor of the township of Alexandria, county of Hunterdon, state of New Jersey, and the other third for the use of the person who may sue for the same: *Provided* always, that no suit or action shall be brought, unless within sixty days after such offence shall be committed.

SECTION 14. The said president and directors shall have power to agree with any owner or owners of ferries or fisheries that may be injured by the erection of the said bridge, and to compensate them for any damages they may

Damages to
had ferries and
had fisheries
to be paid.

Proviso.

thereby sustain; and if they cannot agree with such owner or owners, then and in such case the said damages shall be ascertained and paid in the same manner as is provided for in the ninth section of this act: *Provided*, That no person shall receive any compensation for ferrying at any ferry which shall have been purchased and paid for by the said company, after the said bridge shall have been completed.

Dividends.

SECTION 15. The said president, directors and company, shall also keep a just and true account of all and every the monies received by their respective collectors of tolls, for crossing the said bridge, and shall make and declare a dividend of the profits and income thereof, among all the stockholders of the said company, deducting first therefrom all contingent costs and charges, and such proportion of said income as may be deemed necessary for a growing fund, to provide against the decay, and for the rebuilding and repairing of the said bridge, and shall on every first Monday in May and November in each and every year, publish the dividend to be made of the said clear profits thereof amongst the stockholders, and of the time and place where and when the same shall be paid, and shall cause the same to be paid

Proviso as to statement annually to Auditor General.

accordingly: *Provided*, That the president and managers of the aforesaid company shall annually, on the first Monday in December, transmit to the Auditor General a full statement of their affairs, under oath, and shall pay annually into the Treasury of this commonwealth, and the Treasury of the state of New Jersey, in equal proportions, a tax of eight per cent. on all dividends which may exceed six per cent. on the capital stock actually paid in.

New Jersey to pass a similar law.

SECTION 16. This act shall not take effect or go into operation, until the legislature of the state of New Jersey shall pass a law appointing commissioners on their part, and vesting like power and authority in the subscribers to the said capital stock, of erecting a bridge at the place aforesaid, and of extending the same from shore to shore, with as full and ample powers, privileges, franchises and emoluments, as to the said company are hereby given.

Banking prohibited.

SECTION 17. Nothing in this act contained shall be so construed as to authorize the said bridge company to exercise any banking privileges whatsoever, or to issue any notes in the nature of bank notes; the legislature reserve the right of altering, amending or annulling this charter whenever they think proper.

Legislature may annul, &c.

NER MIDDLESWARTH,

Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,

Speaker of the Senate.

APPROVED—The first day of April, A. D. eighteen hundred and thirty-six.

JOS: RITNER.

No. 125.

An Act

authorizing the Governor to incorporate the Erie railroad company.

SECTION 1. *Be it enacted by the Senate and House of representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Rufus S. Reed, P. S. V. Hamat, Commissioners Charles M. Reed, Samuel Hayes, William Kelley, John ers. Middle, Thomas H. Sill, Lyman Robinson, James Nelson, Charles Russell, Hamlin Russell, John Evans, Warren Foot, Robert Falcner, Archibald Tanner, and John H. Walker, and they are hereby appointed commissioners to do and perform the several things hereinafter mentioned, that is to say: they or any three of them, shall procure a sufficient number of suitable books, and in each of them enter as follows, viz: "We and each of us whose names are hereunto subscribed, do promise to pay to the directors of the Erie railroad company the sum of fifty dollars for every share of stock set opposite to our respective names, and by each of us respectively subscribed, in such manner and proportions, and at such times and places as shall be determined and directed by the said directors, in pursuance of an act entitled 'An act authorizing the Governor to incorporate the Erie railroad company,' Witness our hands, the day of , Anno Domini, one thousand eight hundred and ;, and shall hereupon give at least twenty days previous notice, in one or more newspapers printed in the county of Erie, of the times when and the places where some one or more of the aforesaid commissioners will attend, and receive subscriptions from all persons of lawful age who shall offer to subscribe in said books, which shall be kept open for the purpose aforesaid at least six hours in every juridical day, for the space of three days, or until there shall be subscribed in the said books two thousand shares; and if at the expiration of three days, the books aforesaid shall not have the number of shares aforesaid therein subscribed, then the said commissioners, at their discretion, may adjourn from time to time, and transfer the books elsewhere, until the whole number of shares aforesaid shall be subscribed, of which adjournment and transfer, the commissioners aforesaid shall give such public notice as the occasion may seem to require, but no subscriptions shall be valid, unless the person so subscribing shall pay to the said commissioners at the time of making the same, the sum of five on each share, for the use of the company: *Provided*, That on the first day the books shall be so opened, no person

shall be permitted to subscribe in his own name, or in the name of another, for more than twenty shares of the said stock.

When letters patent shall issue.

Name, style and title.

Powers and privileges.

Seal.

Proviso.

Location and route of the road.

Capital stock may be increased.

SECTION 2. When two thousand shares or more shall be actually subscribed, and five dollars on each share paid to the said commissioners, the said commissioners, or a majority of them, shall certify the same, under oath or affirmation, to the Governor of this commonwealth, and on the receipt of such certificate, the Governor shall, by letters patent, under his hand and the seal of the commonwealth, create and erect the subscribers, and if the subscription be not full at the time, then those also who shall thereafter subscribe to the whole number of shares aforesaid, into a body corporate and politic, in deed and in law, by the name, style and title of "The Erie Railroad company," and by the same name the subscribers shall have perpetual succession, and all the privileges, franchises and immunities incident to a corporation, may sue and be sued, implead and be impleaded, in all courts of record and elsewhere, may purchase, receive, have, hold and enjoy, to them, their successors and assigns, lands, tenements and hereditaments, goods, chattles and all estates, real, personal or mixed, of what kind or quality soever, and the same from time to time may sell, mortgage, grant, alien and dispose of, and make dividends of such portions of the profits as they may deem proper, and also may make and have a common seal, and the same alter or renew at pleasure, and generally to do all and singular, the matters and things which to them it shall lawfully appertain to do for the well being of the said corporation, and the due management and ordering of the affairs and business of the same: *Provided*, That nothing herein contained shall be so considered and construed as giving to the said corporation any banking privileges, or any other liberties, privileges or franchises, but such as may be necessary or incident to the making and maintaining the said railroad, and to the conveyance of passengers, and the transportation of goods, merchandise and commodities thereon.

SECTION 3. The said company be and they are hereby authorized, as soon as they conveniently can, to locate and construct a railroad, of one or more tracks, from Erie, by the shortest and best route to a convenient point on the waters of French creek, in Venango township, in Erie county, in the direction of Warren, with the privilege of continuing the same, if the company think it expedient, by the shortest and best route to the town of Warren, in the county of Warren, and with the privilege of increasing the capital stock to ten thousand shares, and to make, construct and erect such warehouses, toll houses, carriages, cars, and all other works and appendages, necessary for the use of the said company, for the use of the said railroad.

SECTION 4. The third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, nineteenth, twentieth, twenty-first, twenty-second, twenty-fourth, and twenty-fifth sections of the act passed the fourth day of April, one thousand eight hundred and thirty-three, entitled “An act to authorize the Governor to incorporate the Philadelphia and Reading railroad company, be and the same are hereby made a part of this act, as fully and effectually as if the same had been enacted section by section: *Provided*, That the mode of ascertaining damages provided for in the twelfth section, shall be made in the county where they occur.

SECTION 5. The president or secretary of the said company shall annually, on the first Monday of December, transmit to the Auditor General a full statement of the affairs under oath, of the said company, and shall annually pay into the treasury of the commonwealth, a tax of eight per centum on all dividends which may exceed six per centum on the capital stock paid in.

SECTION 6. The legislature reserves the right by this act, to purchase the right of said company and the said railroad, with its appurtenances, at any time after twenty years from the passage of this act, by paying to said company a sum of money which, together with tolls received, shall equal the cost and expenses of said railroad, with an interest of eight per cent. per annum thereon; and also, the privilege of altering or reducing the tolls on said road.

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The first day of April, Anno Domini, eighteen hundred and thirty-six.

JOS: RITNER.

No. 126.

An Act

Authorizing the Governor to make a temporary loan to pay for locomotive engines.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in*

Temporary
loan.

General Assembly met, and it is hereby enacted by the authority of the same: That the Governor be and he is hereby authorized, unless the money is in the Treasury appropriated, to negotiate a temporary loan not exceeding seventy-five thousand dollars, at an interest not exceeding four and a-half per centum per annum, with any bank, corporation, individual or individuals, as in his opinion may be most advantageous, the money so borrowed or in the Treasury appropriated, to be applied towards paying for the eleven locomotive engines authorized to be purchased by the act passed the twenty-ninth day of January, eighteen hundred and thirty six, entitled "An act to change the time of appointing the Canal Commissioners," and to be repaid within one year from the passage of this act, out of any money in the treasury appropriated.

NÉR MIDDLESWARTH,

Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,

Speaker of the Senate

APPROVED—The first day of April, Anno Domini, eighteen hundred and thirty-six.

JOS : RITNER.



No. 127.

A Supplement

To an act entitled "An act to authorize the sale and conveyance of certain real estate, and for other purposes," approved the fourteenth day of April, Anno Domini, eighteen hundred and thirty-five.

Preamble.

WHEREAS, by the twenty-fifth section of said act, John Duncan and Joseph Kepner are authorized to sell and convey the real estate of John Biddinger and Christian Biddinger, deceased; *And whereas*, the name of Christian Biddinger was inadvertently inserted for that of Nicholas Biddinger; Therefore,

SECTION 1. *Be it enacted by the Senate and House in Representatives of the Commonwealth of Pennsylvania of General Assembly met, and it is hereby enacted by the authority of the same,* That the said John Duncan and John Duncan Joseph Kepner. are hereby authorized to sell and convey and Joseph the real estate of Nicholas Biddinger, of which he died Kepner to possessed, in Adams county, and in all things conform to sell N. Biddinger's real the provisions of the act to which this is a supplement. estate.

SECTION 2. That Barbara Booker, the relict, and sole B. Booker to executrix of John Booker, late of Huntingdon county, release to E. deceased, be and she is hereby authorized to execute a release to Elizabeth Booker, of Mercer county, for a tract of land in Mercer co. of land situated in Mercer county, in the second district of donation lands, and numbered in said district eighteen hundred and eleven; and the release, when so executed by her, shall convey the same and no other interest than would have been conveyed by the said John Booker in his lifetime; and the said Barbara Booker, by a release signed, executed by them on the twentieth day of October, eighteen hundred and thirty-two, but which was not delivered to the said Elizabeth Booker before the death of the said John Booker: Proviso. *Provided,* That nothing herein contained shall prejudice, or in any way impair any right any person or persons may now have to said tract of donation land.

NER MIDDLESWARTH,

Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,

Speaker of the Senate.

APPROVED—The first day of April, Anno Domini, one thousand eight hundred and thirty-six.

JOS : RITNER.

No. 128.

An Act

To authorize the opening and extension of Robinson and Leacock streets, and Rebecca street, in the borough of Allegheny, and the opening of a sixty feet street between out lots numbered thirty-nine and forty, in said borough, and for other purposes.

Court to appoint viewers **To be sworn or affirmed.** **Damages.** **Viewers to report.**

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the court of Common Pleas of Allegheny county, on petition of the town council and other citizens of the borough of Allegheny, shall appoint fifteen or more disinterested freeholders, who shall meet on at least five days notice, and if any twelve or more attend, they shall view the premises through which it is proposed to extend Robinson and Leacock streets in the borough of Allegheny, as aforesaid, and if any twelve of those attending, being first duly sworn or affirmed to perform the duties imposed on them by this act with fidelity, shall decide that the opening and extension of said streets, up to the canal where it leads to the aqueduct, is necessary for public use, and ought to be so opened and extended, they shall proceed to lay out the said streets, having regard to the width said streets now are, from a point where said streets now terminate, to the canal where it leads to the aqueduct over the Allegheny river, and they shall assess the damages done to any lot or lots, taking into consideration the advantages accruing as well as the injury done, and shall charge the damage so done upon the lots or parts of lots so benefitted, according to a fair estimate of the benefit conferred on each lot, and designating the person to whom such damage is done and payable; and if a sufficient number do not meet to act, or if they cannot agree, the court may at any time appoint others, and the said viewers shall make report to court, and if approved by the court, said report shall be entered of record, and if said viewers shall report that said streets ought to be opened and extended as aforesaid, they shall thenceforth be deemed and taken to be lawful public streets.

Rebecca street to be viewed also.

SECTION 2. The said viewers, or any twelve of them, being first duly sworn or affirmed, as aforesaid, shall in the manner and form, agreeably to the directions as set forth in the first section of this act, also view Rebecca street in the borough of Allegheny, as aforesaid, and ascertain whether the opening and extension of said street along the south side of Seminary Hill, to intersect Ferry lane or Water lane, at the most convenient point; and if the same shall be deemed necessary

for public use, the said viewers shall report to the court, as is provided in the first section of this act, and said report shall be entered of record, and thenceforth said street shall be deemed and taken to be a lawful public street.

SECTION 3. The said viewers are also hereby empowered and authorized, under the restrictions, and in the manner and form, ^{A sixty-foot street to be viewed also.} and agreeably to the direction of the first section of this act, to view and lay out a street of sixty feet in width, between out lots number thirty-nine and forty, in said borough of Allegheny, from the Allegheny river to the common ground, and they shall decide whether the said street of sixty feet is right and necessary for public use, and if any twelve of said viewers shall so decide, they shall report to court, and their report shall be filed of record, and said street from thenceforth shall be deemed and taken to be a sixty feet public street, and said viewers may, if they see proper, alter the name it now has, and give said street any other name.

SECTION 4. The said damages so assessed in opening any ^{Damages as-} of the streets mentioned in this act shall, to all intents and ^{essed to be} purposes, be a lien against the lot or lots upon which they ^{a lien.} may respectively be assessed, and the same shall be recoverable by writ of *scire facias*, in the name of the commonwealth, for the use of the person in favour of whom such damages are assessed, as debts secured by mortgage are now by law recoverable; such *scire facias* to be issued so soon as the court shall confirm the said report.

SECTION 5. As soon as the costs and the damages so ^{When costs} assessed shall be paid unto the persons in whose favour the ^{and damages} same shall be awarded, or into the said court, by any indi- ^{shall be paid} vidual or individuals, the prothonotary shall so certify to the ^{streets to be} court, and the court shall order said streets to be opened, and ^{opened.} the same shall be opened by the street commissioners and the burgess of the borough of Allegheny.

SECTION 6. That the act entitled "An act securing to ^{Lien law of} mechanics and others, payment for their labor and materials ^{7th March,} in erecting any house or building within the city and county ^{1806, extend-} of Philadelphia," passed the seventeenth of March, one ^{ed to Susque-} thousand eight hundred and six, and the supplements thereto, ^{hanna county} passed the twenty-eighth of March, eighteen hundred and eight, and the thirtieth of March, eighteen hundred and thirty-one, be and they are hereby extended to Susquehanna county.

NER MIDDLESWARTH,
Speaker of the House of Representatives.
THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The first day of April, Anno Domini, one thousand eight hundred and thirty-six.

JOS : RITNER.

No. 129.

An Act

Authorizing the Governor to incorporate the Muncy Canal company, and to authorize the United States Bank to establish a branch at the town of Erie.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That William A. Petriken, Isaac Bruner, John Montgomery, Robert Risk, William C. Ellis, Thomas Taggart, Francis Cole, and Jacob Marker, and Doctor Thomas Wood, or any two of them, be and they are hereby appointed commissioners to do and perform the several things hereinafter mentioned, that is to say: they shall, on or before the first day of September next, procure a sufficient number of books, one or more of which shall be opened at some convenient place in the county of Lycoming, and insert in each of them as follows: "We, whose names are hereunto subscribed, do promise to pay to the president and managers of the Muncy Canal company, the sum of twenty-five dollars for every share of stock set opposite to our respective names, in such manner and proportions, and at such times as shall be determined by the president and managers of said company, in pursuance of act of the General Assembly of this commonwealth, entitled 'An act authorizing the Governor to incorporate the Muncy canal company;' Witness our hands this day of , in the year of our Lord one thousand eight hundred and ;"* and shall thereupon give notice, in one or more newspapers printed in Lycoming county, for one calendar month at least, of the times and places when and where the said books shall be kept open to receive subscription for the stock of the said company, at which respective times and places, one or more of the commissioners shall attend, and permit all persons of lawful age who shall offer to subscribe in said books, in their own names or in the name of any other person who shall authorize the same, for any number of shares in the said stock, and the said books shall be kept open respectively for the purpose aforesaid, at least six hours in every juridical day, for the space of ten days, or until there shall have been subscribed the number of one hundred shares; and if at the expiration of ten days, the books aforesaid shall not have the number of shares aforesaid, or any of them, therein subscribed, the said commissioners may adjourn from time to time, and transfer the books elsewhere,

Commissioners.

To procure books.

Form of subscription.

Shares twenty-five dollars each.

Notice.

Who may subscribe.

Whole number of shares one hundred.

until the whole number of one hundred shares shall be subscribed, of which adjournment and transfer, the commissioners aforesaid shall give public notice, as the occasion may require, and when the whole number of shares shall be subscribed, then the books shall be closed: *Provided always,* Provided.

That every person offering to subscribe in the said books, in his own or any other name, shall previously pay to the attending commissioner the sum of two dollars for every share to be subscribed, out of which shall be defrayed the expenses attending the taking of such subscriptions, and other incidental expenses, and the remainder shall be paid to the treasurer of the incorporation, as soon as the same shall be organized and the officers chosen, as hereinafter mentioned. Two dollars to be paid on each share.

SECTION 2. When fifty shares or more of the said stock shall be subscribed, the commissioners, or a majority of them, may certify to the Governor, under their hands and seals, the names of the subscribers, and the number of shares subscribed by each, whereupon the Governor shall, by letters patent, under his hand and the seal of the commonwealth, create and erect the subscribers, and if the subscription be not full at the time, then also those who shall thereafter subscribe to the number of shares as aforesaid, into a body politic and corporate, in deed and in law, by the name, style and title of "The president and managers of the Muncy Canal company," and by the same name the subscribers shall have perpetual succession, and all the privileges and franchises incident to a corporation, and shall be capable of taking and holding their capital stock, and their increase and profits thereof, and of enlarging the same from time to time by new subscriptions, in such manner and form as they shall think proper, if such an enlargement shall be found necessary to fulfil the intentions of this act, and of purchasing, taking and holding, to them and their successors or assigns, in fee simple or for any lesser estate, all such lands, tenements, hereditaments and estate, real and personal, as shall be necessary to them in the prosecution of their works, and of suing and being sued, and of doing all and every other matter or thing which a corporation or body politic may lawfully do. When letters patent shall issue. Name, style and title. Powers and privileges.

SECTION 3. The six first named persons, or a majority of them, shall, as soon as conveniently may be after the said letters patent shall be obtained, give at least twenty days notice, in all the newspapers hereinbefore mentioned, of the time and place by them appointed for the subscribers to meet, in order to organize the said company, and to choose by a majority of votes of the said subscribers, by ballot, to be given in person, or by proxy duly authorized, one president and six managers, a treasurer, secretary, and such other officers as shall be deemed necessary, which proxy

Annual elec-
tion.

shall have been obtained and bear date within three months previously to the election at which such proxy shall be presented; that the president and managers aforesaid, shall conduct the business of the said company until the third Monday of January then next, and until like officers shall be chosen, and may make such by-laws, rules, orders and regulations, as do not contravene the constitution and laws of the United States or of this state, and that may be necessary for the well governing the affairs of the company.

Meeting of
stockholders.

SECTION 4. The stockholders shall meet on the last Monday of December in every year, at such place as may be fixed upon by the by-laws, of which notice shall be given at least twenty days, by the secretary, in the newspapers before mentioned, and choose by a majority of votes present, their officers for the ensuing year, mentioned in the third section of this act, who shall continue in office for one year, and until others are chosen, and at such other times as they may be summoned by the managers, in such manner and form as shall be prescribed by the by-laws, at which annual or special meeting, they shall have full power and authority to make, alter or repeal, by a majority of votes, in manner aforesaid, and to do and perform any other corporate act; and each person shall be entitled to one vote for each share not exceeding twenty, by him or her held; for every five additional shares one vote.

Ratio of votes

Meetings of
the board.

Quorum.

Minutes.

Powers of the
board.

Proviso.

SECTION 5. The said president and managers shall meet at such times and places as shall be found most convenient for the transacting of their business, and when met three shall be a quorum, who in the absence of the president may choose a chairman, and shall keep minutes of their transactions, fairly entered in a book; a quorum being formed, they shall have full power and authority to appoint all such surveyors, engineers, superintendents, and other artists and officers as they shall deem necessary to carry on the intended work, and to fix their salaries and wages, to ascertain the times, manner and proportions in which the said stockholders shall pay the monies due on their respective shares, to draw orders on the treasurer: *Provided*, That such drafts or orders be signed by the president, or in his absence by a majority of the managers present, and generally, to do all such other acts, matters and things, as by this act, and by their by-laws and regulations of the company they are authorized to do.

Certificates.

Seal.

SECTION 6. The president and managers first chosen, shall procure certificates or evidence of stock for all the shares of the said company, and shall deliver one such certificate, signed by the president and countersigned by the treasurer, and sealed with the common seal of the said corporation, to each person for every share by him subscribed and held, which certificate or evidence of stock

shall be transferrable at his pleasure, in person or by attorney, (duly authorized, in the presence of the president or treasurer, each of whom shall keep a book for that purpose,) subject however, to all payments due or to become due thereon; and the assignee holding any certificate, having first caused the assignment to be entered in the book of the company, to be kept for the transfer of stock, shall be a member of the said corporation, and for every certificate assigned to him as aforesaid, shall be entitled to one share of the capital stock, and of all the estates, emoluments of the company incident to one share, and to vote as aforesaid at the meetings thereof, and subject to all penalties and forfeitures, and of being sued for all the balance and penalty due or to become due on each share, as the original subscribers would have been. Of transfer.

SECTION 7. If after thirty days notice in the public papers aforesaid, of the time and place appointed for the payment of any proportion or instalment of the said capital stock, in order to carry on the work, any stockholder shall neglect or refuse to pay such proportion or instalment, at the place appointed, for the space of thirty days after the time so appointed, every such stockholder or his assignee shall, in addition to the instalment so called for, pay at the rate of two per centum per month for the delay of such payment, and if the same and additional penalty shall remain unpaid for such space of time as that the accumulated penalty shall become equal to the sum before paid in part and on account of such share, the same shall be forfeited to the said company, and may be sold to any person or persons willing to purchase, for such price as can be obtained for the same; or in default of payment by any stockholders of any such instalment as aforesaid, the said president and managers may at their election, cause suit to be brought before an alderman or justice of the peace, or in any court having competent jurisdiction, for the recovery of the same, together with the penalty aforesaid: *Provided*, That no stockholder, whether original subscriber or assignee, shall be entitled to vote at any election, or at any general or special meeting of the said company, on whose share or shares any instalment or arrearages may be due and payable more than thirty days previously to the said election or meeting. Penalty. Forfeiture. Proviso.

SECTION 8. It shall and may be lawful for the said president, managers and company, their superintendents, surveyors and engineers, artists and workmen, to enter upon the lands between the borough of Muncy and the Pennsylvania canal, for the purpose of constructing a canal between the above points, which shall appear to them most convenient for making a canal, and also to cut, break, remove and take away all trees, rocks, stones, earth, gravel, sand or other materials, or any obstructions or impediments whatsoever. The company may enter upon lands for materials.

on the route they may adopt between those points, or to use all such timber, rocks, stones, gravel, earth, or other material, in the construction of their necessary works, and to form, make, erect and set up any dams, locks, or any other device whatever, which they shall think most fit and convenient to make a complete canal from the borough of Muncy to the Pennsylvania canal, satisfying the owner or owners thereof, but if the parties cannot agree upon the compensation to be made to such owner or owners, it shall and may be lawful for the parties to appoint five suitable and judicious persons, within the proper county where the land lies, or if they cannot agree on such persons, then either of the parties may apply to the court of Common Pleas of the proper county where the land lies, and said court shall award a venire, directed to the sheriff, to summon a jury of disinterested men, in order to ascertain and report to the said court what damages, if any, have been sustained by the owner or owners of said ground, by reason of such canal passing through his, or her, or their land, which report being confirmed by the court, judgment shall be entered thereon, and execution may issue in case of non-payment for the sum awarded, with costs, to be assessed by the court; and it shall be the duty of the jury, or five appraisers, as the case may be, in valuing any land, to take into consideration the advantages derived to the owner or owners of the premises from the said canal passing through the same: *Provided*, That either party may appeal to the court within thirty days after such report may have been filed in the prothonotary's office of the proper county, in the same manner as appeals are allowed in other cases.

SECTION 9. The president and managers, by and with their superintendents, engineers, artists, workmen and labourers, with their tools, instruments, carts, wagons and other carriages, and beasts of draft and burthen, may enter upon the lands contiguous and near to the said canal, giving notice to the owner or occupiers thereof, and from thence to take and carry away any stone and gravel, or earth, doing as little damages thereto as possible, and repairing any breaches they may make in the enclosures thereof, and making amends for any damages that may be done to the improvements thereon, and paying for the materials taken away, the amount whereof, if the parties do not agree, shall be assessed and valued by any three freeholders residing in the neighborhood, under oath or affirmation, to be appointed by consent of the parties, or if they cannot agree, by any disinterested justice of the peace of the proper county.

SECTION 10. As soon as the president, managers and company shall have perfected the said canal, they shall give notice thereof to the Governor, who shall thereupon nominate and appoint three disinterested persons to view and

examine the canal so completed, and to make report to him, in writing, whether the said canal is executed in a masterly, workmanlike manner, according to the true intent and meaning of this act; and if at any time their report shall be in the affirmative, then the Governor shall by license, under his hand and the lesser seal of this commonwealth, permit the said president, managers and company, or such person or persons as they shall from time to time appoint toll collectors, or their deputies, to demand and receive of and from the persons having the charge of any boat, ark, or other vessel passing through said canal, what in the opinion of said company may appear just and equitable.

SECTION 11. In order to ascertain the size of arks, and the tonnage of boats using and passing the said canal, and to prevent disputes between the supercargoes and collectors of toll concerning the same, upon the request of the owner or supercargo of such boat, or craft, or the collectors of said tolls, upon the said canal, and it shall and may be lawful for each of them to choose one skilful person to measure and ascertain the size of said craft and arks, and the loading the said boat is capable of carrying or actually contains, and the said boat or vessel so measured, and her loading ascertained, shall be permitted to pass through the said canal for the price per ton to which the number of tons so ascertained shall amount to, agreeably to the rates fixed, in the manner aforesaid; and if the owner or supercargo of any craft, ark, or boat, shall decline choosing a person resident within the township where the said toll is payable, to ascertain the tonnage thereof, then the amount of such tonnage shall be fixed and ascertained by the person appointed for that purpose by the president and managers, or chosen by the said collectors of tolls for the said company, and the toll shall be paid according to such measurement, before any such boat or craft shall be permitted to pass the place where such toll is made payable by the said president and managers.

SECTION 12. It shall be the duty of the master or commander of any boat, ark, or other vessel, intending to pass through said canal, when they shall arrive within one-fourth of a mile from the collector's office, so erected, under the penalty of two dollars, to blow a trumpet or horn, whereupon the collector of such tolls shall attend for the purpose of receiving said tolls, to let the said boat, ark, or other vessel pass without unnecessary delay.

SECTION 13. If the president, managers and company neglect or refuse to keep in good order or repair the canal of their own construction, or shall neglect to remove any obstacle which may occur, so that boats, arks, crafts, or other vessels may at all times safely navigate said canal, the president, managers and company shall, for each and every

such offence, pay the sum of ten dollars, to be recovered before a justice of the peace of the proper county where the offence shall be committed, one half to the use of the poor, and the other half to the use of the poor of the township where the neglect may occur; the said canal shall be so constructed as not to impede or obstruct the free use or passage of any public road which may cross or enter the same, in all cases where the said canal may cross, or in any manner interfere with any existing public road or navigation, the said company shall make or cause to be made, as soon as conveniently may be, a good and sufficient causeway or causeways, to enable all persons passing or traveling such public roads or canals, to cross or pass over said canals, and if the company shall neglect or refuse to keep such causeways in good repair, they shall be liable to a penalty of five dollars for every day the same shall be so neglected or refused to be repaid, after being duly notified thereof, to be recovered by the supervisors of the township or borough, as debts of the same amount are by law recoverable, and shall moreover, be liable to all actions, at the suit of any person who may be aggrieved thereby.

Causeways or crossing places.

Penalty for neglect.

Just accounts to be submitted annually to the stockholders.

Capital stock may be increased.

Annual statement to Auditor General.

Tax.

SECTION 14. The president and managers of the said company shall keep fair and just accounts of all monies received by them from the said commissioners, and from the subscribers to the said undertaking, on account of the several subscriptions, of all the penalties for delay in the payment thereof, and the amount of the profits on the shares which may be forfeited as aforesaid, and also all monies by them expended in the prosecution of the said works, and shall in every year submit such accounts to the stockholders, at their annual meeting, and the aggregate amount of such receipts and expenditures shall be ascertained; and if upon such liquidation, or when the capital stock shall be nearly expended, it shall be found that the said capital stock will be insufficient to complete the said canal, according to the true intent and meaning of this act, it shall and may be lawful for the said president and managers, and company, at a stated or special meeting, to be convened for the purpose, to increase the number of shares to such extent as shall be deemed sufficient to accomplish the work, and to receive and demand the monies for shares so subscribed, in like manner and under like penalties as herein before provided for the original subscription, or as shall be provided by their by-laws; that the president and managers of the aforesaid company shall annually, on the first Monday in December, transmit to the Auditor General a full statement of their affairs, under oath, and shall pay annually into the treasury of this commonwealth, a tax of eight per cent. on all dividends which may exceed six per cent. on the capital stock actually paid in.

SECTION 15. The said president, managers and company shall also keep a just and true account of all the moneys received by their several and respective collectors of tolls, and all emoluments, and shall make and declare a dividend ^{Dividends.} of the clear profits and income thereof among all the stockholders, all contingent costs and charges being first deducted; and shall on the first Monday in January and the first Monday in July, every year, publish the half yearly dividends made of the clear profits, and the time when and where the same will be paid to the stockholders, not exceeding twenty days thereafter, and shall cause the same to be paid accordingly; and shall on or before the first Monday in January, in every period of three years from the passing of this act, lay an abstract of the accounts of their receipts and disbursements before the legislature, under oath or affirmation of the president of the company

SECTION 16. If the president, managers and company shall ^{Time of com-} not proceed to carry on the work, within five years from the ^{mencement} passage of this act, and shall not complete the same within ^{and comple-} ten years, according to the true intent and meaning of this ^{tion.} act, then and in either case, all and singular, the rights, privileges and franchises hereby granted to said company, shall revert to the commonwealth: *And provided also,* That if the ^{Proviso.} said company shall at any time hereafter misuse or abuse any of the chartered privileges hereby granted, the legislature may, at any time thereafter, resume all and singular, the rights, privileges and franchises hereby granted to the said company.

SECTION 17. The connection of said canal with the Penn- ^{Connection} sylvania canal shall be constructed at such place and in such ^{with Penn'a.} manner as the Canal Commissioners, for the time being, shall ^{canal.} prescribe and direct.

SECTION 18. The United States Bank, incorporated by an ^{Office U. S.} act passed the eighteenth day of February, one thousand ^{Bank at Erie.} eight hundred and thirty-six, may, in addition to the two offices specified in the fourteenth section of said act, establish an office of discount and deposite in the town of Erie in this state.

SECTION 19. That the office of discount and deposite hereby ^{Erie Office of} permitted to be established at the town of Erie shall not ^{U. S. Bank to} be continued there longer than the first day of January, one ^{be continued} thousand eight hundred and fifty. ^{until 1850.}

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The first day of April, Anno Domini, eight-
teen hundred and thirty-six.

JOS : RITNER,

No. 130.

An Act

To re-charter the North America Coal company.

Proviso.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the charter of the North America coal company shall be, and the same is hereby extended and continued in force for the term of twenty years from the eighth day of April, Anno Domini one thousand eight hundred and thirty-eight: *Provided,* That it shall and may be lawful for the legislature at any time to repeal, alter or amend its provisions, and to resume the powers and authorities hereby granted.

NER MIDDLESWARTH,

Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,

Speaker of the Senate.

APPROVED—The first day of April, Anno Domini, one thousand eight hundred and thirty-six.

JOS : RITNER.

No. 131.

An Act

Changing the name of "The president, managers and company for the purpose of obtaining slate from quarries within the county of Northampton," to that of "The Pennsylvania Slate Company" and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in*

General Assembly met, and it is hereby enacted by the authority of the same, That the corporation heretofore created and known by the name, style and title of "The president, managers and company for the purpose of obtaining slate from quarries within the county of Northampton," shall henceforth be known and called by the name of "The Pennsylvania Slate Company;" and by the said name of "The Penn'a. Slate Pennsylvania Slate Company" shall have all the powers, company. authorities and incidents which they have heretofore lawfully had, possessed and enjoyed, under their former corporate name, in virtue of the charter of incorporation granted in pursuance of the act of assembly, passed on the fourteenth day of March, in the year of our Lord one thousand eight hundred and five, entitled "An act to enable the Governor of this commonwealth to incorporate a company for the purpose of obtaining slate from the quarries within the county of Northampton, suitable for roofing houses, and other purposes: *Provided*, That this act shall not be construed in *Proviso*. any manner to extend or enlarge the powers of said company.

SECTION 2. That the minister, church wardens and vestry men of Trinity church in Pittsburg be, and they are hereby church in authorized to sell to any person or persons, such portion or *Pittsburg*. portions of the burial ground or grounds of said church as *Sale of bury:* has been or hereafter may be laid off and appropriated for *ing grounds*. family burying lots, and to convey and assure to the purchaser or purchasers thereof, their heirs and assigns forever, the exclusive use and occupation of the same, as well as those which have heretofore been sold for the sole and only *Proviso*. use and purpose of burying the dead therein: *Provided always*, That the moneys arising from such sale or sales, shall be appropriated to such purposes as is directed by the charter of incorporation for the appropriation of other moneys belong- *2d Proviso*. ing to said corporation: *And provided also*, That the clear yearly value or income of the messuages, houses, lands and tenements, rents, annuities, or other hereditaments and real estate of said corporation, shall not, after defraying the annual expenses of said corporation, exceed the sum of five hundred pounds.

SECTION 3. Any such deed or other conveyance, as the *Deed*. said minister, church wardens and vestry men are authorized, by the charter of incorporation or by this act, to make, execute and acknowledge by the senior warden and treasurer of said corporation, under the authority and on behalf of the vestry, under the corporate seal, shall be as effectual and binding on said corporation as if made, executed and acknowledged by all the members of said vestry.

SECTION 4. That the second section of an act of assembly, passed on the twenty-fifth day of March, eighteen hundred and

thirty-one, entitled "An act authorizing the widening of certain streets in the county of Philadelphia," shall be taken and construed to widen Coates street in the district of Spring Garden, on the south side, by taking thirty feet additional to the ground occupied by the said street, as laid down on the seventh division of the plan of said district, confirmed by the court of Quarter Sessions of said county on the eighth day of March, in said year, and to continue it of said additional width by a straight line on the south side aforesaid, to a point at the distance of twelve hundred and three feet westward of the southwest corner of Fairmount and Coates streets, and no further; and the strip or piece of ground, thirty feet in width, laying westward of the above space and south of the said Coates street, or the public landing as laid down on the said seventh division, and extending from the said point, at the distance of twelve hundred and three feet from south west corner of Fairmount and Coates street to the river Schuylkill, shall not be deemed or taken to be part of Coates street, or the public landing as aforesaid, but shall be and remain the private property of the corporation of the city of Philadelphia, which they shall fully and freely enjoy, occupy, enclose and dispose of, and on which they may at all times hereafter erect, construct and maintain all such additional buildings and improvements as they shall think fit, and extend the wharf now erected, and all other works on or opposite their own soil, as far into the Schuylkill as they shall at any time deem expedient to protect the water works at Fairmount, and preserve the purity of the water of said river, but shall erect no ice break, guard-pier, or other structure, on any part of said Coates street or public landing, and the regulator of said district shall alter all plans thereof in conformity with this law.

Coates' street
in Spring
Garden, Phil-
ad'a. county.

Fairmount
water-works
to be protect-
ed and the
water kept
pure.

St. Johns
church.

Election of
trustees.

Quorum of
trustees.

SECTION 5. That from and after the passage of this act, it shall and may be lawful for the trustees of the Evangelical Lutheran congregation of Saint John's church in the city and vicinity of Philadelphia, to open the election for trustees on the day designated by the act to which this is a supplement, at two o'clock in the afternoon, and to keep the same open until eight o'clock in the evening of the same day, to be conducted in the manner and form prescribed by the said act.

SECTION 6. A majority of the whole number of trustees composing said corporation shall hereafter constitute a quorum, and shall be competent to do and perform all such business under the same rules and regulations as by the act to which this is a supplement, it requires two-thirds of the said trustees to do and perform,

SECTION 7. So much of the act to which this is a supple-~~Repeal.~~
ment, as is hereby altered or supplied, be and the same is
hereby repealed.

NER MIDDLESWARTH,
Speaker of the House of Representatives.
THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The first day of April, Anno Domini, one
thousand eight hundred and thirty-six.

JOS: RITNER.



No. 132.

A Supplement

To an act entitled "An act to incorporate the Franklin Railroad
company," passed the 12th day of March, eighteen hundred and
thirty-two.

SECTION 1. *Be it enacted by the Senate and House of
Representatives of the Commonwealth of Pennsylvania in
General Assembly met, and it is hereby enacted by the
authority of the same,* That the borough of Greencastle in Greencastle
the county of Franklin, be and is hereby made a point made a point
through which shall pass the said railroad, and the time for Time for
commencing and finishing said road, is extended for two commencing
years: *Provided also,* That the last proviso in the second and finishing
section of said law, is hereby repealed. road.

NER MIDDLESWARTH,
Speaker of the House of Representatives.
THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The first day of April, Anno Domini, one
thousand eight hundred and thirty-six.

JOS. RITNER.

thirty-three, entitled "An act to authorize the Governor to incorporate the Philadelphia and Reading railroad company," are hereby extended and made applicable to the Philadelphia and Port Deposit railroad company, as fully and effectually as if they were here again enacted at full length.

Capital—
May be in-
creased to
\$1,000,000.

SECTION 4. The capital of the said Philadelphia and Port Deposit railroad company shall consist of the aggregate number of shares authorized by the aforesaid act of ninth of June, one thousand eight hundred and thirty-two, and by the law of Maryland incorporating the Cecil county railroad company, and if such capital shall prove insufficient for the completion, improvement, or proper use of the said railroad, the directors being first duly authorized by the stockholders at a stated or special meeting, may increase the same to any amount not exceeding one million of dollars.

U. S. Mail.

SECTION 5. It shall be lawful for the directors of the said company to enter into arrangements, and make special contracts with the government of the United States, or with any officer thereof, for the transportation of the mail, upon such terms, and for such compensation as may be agreed upon between them.

Portions of
act of 9th
June, 1832,
repealed.

SECTION 6. In case the Oxford railroad company, and the Cecil county railroad company shall be united, as provided for in the first section of this act, none of the provisions of the aforesaid act of ninth June one thousand eight hundred and thirty-two, which are not hereby specially re-enacted, shall apply to the Philadelphia and Port Deposit railroad company.

Annual state-
ment to Aud-
itor General.

SECTION 7. That the president or secretary of the said company shall annually, on the first Monday in December, transmit to the Auditor General a full statement of the affairs of said company, under oath, and shall pay annually into the treasury of the commonwealth, a tax of eight per centum on all dividends which may exceed six per centum on the capital stock actually paid in.

Tax.

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The first day of April, Anno Domini, eighteen hundred and thirty-six.

JOS : RITNER.

No. 134.

An Act

To increase the capital stock of the Lumbermen's Bank at Warren and to authorize the United States Bank to establish an office of discount and deposite at Erie, Pennsylvania.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the Lumbermen's Bank at Warren shall have the right of increasing its capital stock to the sum of two hundred thousand dollars, the additional stock to be divided into shares of fifty dollars each, to be sold and disposed of by the said bank, at such times, and in such manner as its directors, at their discretion, may think fit and expedient.

SECTION 2. That in case the said Lumbermen's Bank shall accept the provisions of this act, and notify the Governor of the same, under its corporate seal, within six months from the passage hereof, then the said bank shall pay into the treasury of this commonwealth five thousand dollars, one half **Bonus.** thereof to be paid within one year from the acceptance of the charter, and the other half to be paid on the first of May, eighteen hundred and forty-one, and eight per cent. on the **Tax,** dividends during the continuance of its charter.

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The first day of April, Anno Domini, one thousand eight hundred and thirty-six.

JOS: RITNER.

No. 135.

Act

To extend the charter of the Philadelphia Bank.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the charter of the Philadelphia Bank shall be, and the same is hereby continued and extended twenty years from the expiration of the present charter, subject to the provisions of the act of the first of April, eighteen hundred and thirty-five, providing for a graduated tax upon dividends, which act and its provisions shall apply to said bank from and after the expiration of its existing charter.

Right of com-
mon'th to
subscribe for
2000 shares.

SECTION 2. That the stock of the said bank now owned by the commonwealth, shall stand as heretofore, and that the right of the said commonwealth to subscribe for two thousand additional shares of the capital stock of the said bank, be and the same is hereby relinquished, unless they avail themselves of that right within six months from the passage of this law, and from and after that time, the said bank shall have the right to dispose of the said stock for its own benefit, at such times, and in such manner as the directors for the time being may deem proper: *Provided however,* That before they proceed to dispose of said stock, they shall pay into the treasury of the state the sum of twenty thousand dollars.

Proviso.

Charter to be
accepted
within 3
months.

SECTION 3. That unless the said bank shall accept the provisions of this act, and advise the Governor of the same, under its corporate seal, within three months after the passage thereof, then and in that case this act shall be void and of none effect.

NER MIDDLESWARTH,
Speaker of the House of Representatives.
THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The first day of April, Anno Domini, eighteen hundred and thirty-six.

JOS: RITNER.

No. 136.

An Act

To incorporate the Berks county Bank, and to repeal an act entitled
 “An act to incorporate the Berks county Savings institution, and
 for other purposes.”

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the act of the fourteenth day of April, Anno Domini, one thousand eight hundred and thirty-five, entitled “An act to incorporate the Berks county Savings institution,” be and is hereby repealed, and all privileges thereby granted shall cease, except so far as is necessary to settle the affairs of said institution, and to collect its debts. Repeal.

SECTION 2. The stockholders of the said Berks county Savings institution are hereby incorporated in the name, style and title of the “Berks county Bank,” and the trustees thereof, (who shall act as directors until a new election be had,) are authorized to call in further instalments of the capital stock (which shall be two hundred thousand dollars) of the same, at such times, and in such manner, as their by-laws shall provide, until the same so called in, shall amount to one hundred dollars on each and every share thereof: *Provided further,* That the capital shall not be loaned on pledges of stock, and the charter shall continue for fifteen years from the passage of this act, and all the capital shall be paid in in two years. Name, style and title.

SECTION 3. The said Berks county bank shall be entitled to all and singular, the rights and privileges, and subject to the like regulations, restrictions, penalties and taxes imposed upon certain banks in this commonwealth, by an act passed the twenty-first day of March, one thousand eight hundred and fourteen, entitled “An act regulating banks,” and an act passed the twenty-fifth day of March, Anno Domini, one thousand eight hundred and twenty-four, entitled “An act to recharter certain banks:” *Provided,* That the number of directors shall be seven, and shall be elected in such manner as its by-laws may provide. Acts of 1814 and 1824 extended to this bank.
 Provide.

SECTION 4. The said Berks county bank shall pay to the state a bonus of ten thousand dollars, within one year, and the same shall be paid in upon a warrant drawn by the State Treasurer for the amount of the same. Bonus.

SECTION 5. That the sum of two thousand dollars be, and the same is hereby appropriated out of the bonus of

Bridge across said bank, to be applied to the erection of a permanent
 Licking bridge across Licking creek, as near as the ground will
 creek. admit of, where the public road leading from the borough of
 M'Connellsburg to the Maryland line crosses the same, and
 as soon as said bridge shall be completed, the court of
 Quarter Sessions of Bedford county, shall appoint three
 Viewers. respectable citizens, resident in said county, whose duty it
 shall be to view and examine said bridge, and certify their
 opinions thereof to the court appointing said viewers, and
 when approved by said court, they shall certify the same to
 the Governor, and on the receipt of such certificate, the
 When Gov- Governor is hereby authorized and required to draw his
 ernor to draw his warrant in favor of the commissioners of Bedford county,
 his warrant for 2000 dols. for the above sum of two thousand dollars, to be by them
 applied in the discharge of so much of the expenses incurred
 in erecting said bridge.

NER MIDDLESWARTH,

Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,

Speaker of the Senate.

APPROVED—The first day of April, Anno Domini, one
 thousand eight hundred and thirty-six.

JOS: RITNER.

—eoe—

No. 137.

An Act

Supplementary to an act entitled "An act authorizing the Governor
 to incorporate the Codorus Navigation company," passed the
 twelfth day of April, Anno Domini, one thousand eight hundred
 and twenty-five.

SECTION 1. *Be it enacted by the Senate and House of
 Representatives of the Commonwealth of Pennsylvania in
 General Assembly met, and it is hereby enacted by the
 authority of the same, That it shall be lawful for the Codorus
 Navigation company to make and execute a mortgage or
 mortgages on their canal and slackwater navigation, and*

privileges incident thereto and connected therewith, by deed, under the corporate seal, as securities for the payment of all debts now acknowledged by said company to be owing by them, or for the payment of money necessarily borrowed, or to be borrowed for the payment of such debts, which said mortgages shall have the same effect as mortgages of lands under existing laws, and shall be proceeded upon in the same manner: *Provided*, That in giving such securities, or *Proviso*, making such payments, no preference shall be given to any such debt or debts, but that the same shall be secured equally, in whole or in pro rata.

NER MIDDLESWARTH,

Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,

Speaker of the Senate.

APPROVED—The first day of April, A. D, eighteen hundred and thirty-six.

JOS: RITNER.

No. 138.

A n A c t

Requiring the Banks of this commonwealth to make quarterly statements to the Auditor General, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That the Auditor General be, and he is hereby authorized and required, after the passage of this act, to address circulars to the several banking and savings institutions of this commonwealth, whenever in his opinion it is deemed advisable, requiring them to make return, under oath or affirmation, of the state of their respective banks, on four discount days during the year preceding, to be designated by him, stating, in the form of a regular account current, the amount of their capital paid in, the gold and silver on hand, notes of other solvent banks, debts due to and from other banks, contingent fund, real estate at cost, notes and bills discounted,

Proviso. notes in circulation, stocks and loans on stocks, judgment and mortgages, and such other information as may enable the legislature to possess a correct knowledge of the actual condition of the affairs of the banks; the said returns to be prepared and arranged in tabular form, and communicated to both branches of the legislature, as soon after the first Monday of December of every year, as may be convenient: *Provided*, That so much of any law as requires the banks to report in November annually, and the same is hereby repealed.

Bank U. S. SECTION 2. For the more convenient management of the affairs of the Bank of the United States, the said corporation is hereby authorized to purchase and hold any real estate belonging to the late Bank of the United States, and also to purchase and hold any bank stock; and further, that all proxies, dated at least sixty days before date of any election, shall be lawful.

Of transfer. SECTION 3. It shall be lawful for the stocks of the banks of this commonwealth to be assigned and transferred, in the presence of the president, cashier, or other officer appointed by the board of directors, in such way as may be ordained by the by-laws.

Restrictions repealed. SECTION 4. The restriction in the charters of the various insurance companies of this commonwealth, provided that none but the citizens of this state and of the United States, shall be stockholders therein, be and the same is hereby repealed, and that the proviso to the eleventh article of the third section of the act passed the twenty-fifth day of March, one thousand eight hundred and twenty-four, entitled "An act to re-charter certain banks," and also the proviso to the eleventh article of the third section of the act passed the twenty-eighth March, one thousand eight hundred and twenty-three, entitled "An act to extend the charter of the Philadelphia Bank," be and the same is hereby repealed.

Certain provisos repeal'd

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM.

Speaker of the Senate.

APPROVED—The first day of April, A. D. eighteen hundred and thirty-six.

JOS: RITNER.

No 139.

An Act

Authorizing the Governor to incorporate the Titusville and Union Mills turnpike road company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That it shall and may be lawful for Letters pat-
the Governor of this commonwealth, by letters patent, under ent.
his hand and the seal of the commonwealth, to create and erect
the persons which may subscribe for shares of stock in a com-
pany to be called the "Titusville and Union Mills turnpike Name.
road company," into one body politic and corporate, in deed
and in law, for the purpose of enabling said company to make
and erect a turnpike road from the borough of Titusville, in
Crawford county, to Union Mills, in Erie county, and the
following named persons, viz: William Miles, and John Commiss'rs.
Cook of Erie county, Joseph Patton, Samuel Winton, Joseph
L. Chase, and Arthur Robinson of Crawford county, or any
two of them, are hereby appointed commissioners on behalf
of said company, to do and perform the several things in
relation thereto, which are directed to be done and performed
by the commissioners named for similar purposes in the first First section
section of an act entitled "An act to incorporate a company of act of 2d
for making a turnpike road from Butler to Franklin," passed April, 1822,
the second day of April, eighteen hundred and twenty-two; extended to
and the said Titusville and Union Mills turnpike road com- company.
pany hereby authorized to be incorporated, shall and
hereby is entitled (if letters patent shall be granted to the
same) to all the corporate rights, immunities and franchises, Powers and
and shall be subject to all the restrictions, to all intents and privileges:
purposes, which are given to and imposed upon the said com-
pany, created a corporation by the provisions of said act,
entitled "An act to incorporate a company to make a turn-
pike road from Butler to Franklin," passed the second of
April, eighteen hundred and twenty-two; and that the said Shares twen-
company, hereby authorized to be incorporated, shall be ty-five dolls.
entitled to hold, in shares of stock of twenty-five dollars each, each.
and real and personal estate, the sum of twenty-five thousand Capital 25,-
dollars as its capital, and when twenty or more persons shall 000 dollars.
have subscribed one hundred or more shares of stock, the When letters
Governor shall, by letters patent, in the usual form, incorpo- patent shall
rate said company. issue.

SECTION 2. That the several sums of money appropriated
in the eighth section of the act entitled "An act to repeal

How monies, the state tax on real and personal property, and to continue appropriated and extend the improvements of the state by railroads and by the 8th canals, and to charter a state bank to be called the United section of the States Bank," shall be paid by the State Treasurer to treasurers of the respective turnpike companies therein designated. act incorpor- and the said companies shall sell out the repairing of the roads ating U. S. Bank, are to be expended. to the lowest and best bidder or bidders, at such time, and in

Turnpike companies in Bedford, Somerset and Westmoreland counties

Proviso.

2d Proviso.

9,000 dollars appropriated to road from White Horse tavern—how to be expended in Somerset, Fayette and Greene counties.

Proviso.

such manner (after having given timely notice, in at least one newspaper in the proper county) as shall be deemed most expedient, until the whole amount of money appropriated shall have been expended in repairing said roads, and it shall be the duty of the several turnpike companies within the counties of Bedford, Somerset, and Westmoreland, to which money is appropriated in the eighth section of the act aforesaid, to publish, in at least one paper in each of the aforesaid counties, for three successive weeks, an account, duly certified under oath, of the expenditures of the several sums received by virtue of the aforesaid act, together with the names of the individuals to whom the same was paid: *Provided*, That no account as aforesaid, shall be published until after the aforesaid sums are fully expended: *And provided also*, That the companies in the counties aforesaid, shall expend the sums appropriated as aforesaid, within two years after the same are received from the State Treasurer, and publish their accounts within two months thereafter.

SECTION 3. That the sum of nine thousand dollars appropriated in the eighth section of the act referred to in the foregoing section, to the state road leading from the White Horse tavern on the top of the Allegheny mountain, to the Virginia state line in Greene county, shall be drawn from the state treasury by the commissioners of Somerset county, Fayette county, and Greene county, in equal parts, that is to say: three thousand dollars by the commissioners of each county; and shall be by them expended in repairing the condition of said road, and they shall proceed immediately to sell out the repairing of the said road to the lowest and best bidder or bidders: *Provided*, That three weeks notice shall be given of the time and place of such sale, in at least one newspaper in the proper county, and the commissioners of the county of Somerset shall have power to change the location of any part of said road east of the town of Berlin, in Somerset county, in order to avoid hills, provided such change may by them be deemed expedient, and the commissioners of the counties aforesaid, shall expend the money appropriated as aforesaid, within one year from the time the same may have been drawn by them, in the manner herein before directed, and they shall, within one month thereafter, publish a statement, under oath, for three successive weeks, in at least one newspaper in their respective counties, of the manner of the expenditures, and

the names of the individuals to whom they may have paid money, and the said commissioners shall settle their accounts with the auditors of their respective counties, and shall each receive one dollar and fifty cents per day, necessarily spent in discharge of the aforesaid duties.

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The first day of April, A. D. eighteen hundred and thirty-six.

JOS : RITNER.



No. 140

An Act

To dissolve the marriage contract of Robert Ramsey and Jane his wife.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the marriage contract entered into by Robert Ramsey of Allegheny county and his wife, formerly Jane Allen, be and the same is hereby dissolved, and the parties respectively set free and discharged from all the duties and obligations arising from the said contract, as fully and effectually as if they had never been joined in marriage.*

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The first day of April, Anno Domini, one thousand eight hundred and thirty-six.

JOS: RITNER.

No. 141.

A Further Supplement

To the act incorporating the city of Pittsburg, passed the eighteenth day of March, eighteen hundred and sixteen, and for other purposes.

Powers of
the mayor.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the Mayor of the city of Pittsburg, who shall have been or may hereafter be elected by virtue of and in accordance with the provisions of the supplement to the act incorporating the city of Pittsburg, which said supplement was passed the twenty-sixth day of December, eighteen hundred and thirty-three, shall be and is hereby authorized to exercise all the powers which were exercised by the Mayor elect of said city prior to the passage of said supplement, except such powers as are exercised by aldermen in civil cases.

Commission-
ers authori-
zed to borrow
\$60,000 to
erect a court
house, &c.

SECTION 2. That the commissioners of Allegheny county and their successors in office, are hereby authorized, upon good and sufficient security, to borrow, upon the best terms they can procure the same, a certain sum of money, not exceeding the sum of sixty thousand dollars, (\$60,000,) to be disbursed by them in the erection of a court-house and other public buildings for the use of said county, should the commissioners of said county determine on the building of a court-house and other public buildings.

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The first day of April, Anno Domini, one thousand eight hundred and thirty-six.

JOS: RITNER.

No. 142.

An Act

For the prevention of injuries to individuals by the gross negligence, or wilful misconduct of stage drivers and others.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the first day of July next, if any person within this commonwealth shall become injured, either in person or property, through or by reason of the gross negligence or wilful misconduct of the driver of any public stage, mail coach, coachee, carriage or car employed in the conveyance of passengers, or through or by reason of the gross negligence or wilful misconduct of any engineer, or conductor of any locomotive engine, engaged in the transportation of passengers, or of goods, wares, merchandise or produce of any description, such driver, engineer or conductor, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall for every such offence, be punished by a fine, not exceeding fifty dollars, and imprisonment in the jail of the county wherein such offence shall have been committed, for any length of time not exceeding six months, at the discretion of the court: *Provided,* That the provisions of this act shall not interfere with the civil remedies against the proprietors or others, to which the party injured may by law be now entitled.

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The first day of April, Anno Domini, one thousand eight hundred and thirty-six.

JOS: RITNER,

No. 143.

A Further Supplement

To the several acts incorporating the Fishing creek, Roush creek, and Swatara and Good Spring creek railroad companies, passed the first and second days of April, Anno Domini, one thousand eight hundred and thirty-one, and of the eight day of April, Anno Domini one thousand eight hundred and thirty-three, and Liggett's gap railroad company, passed seventh April, eighteen hundred and thirty-two.

Time for
commencing
and comple-
ting roads
extended.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the time for commencing the Fishing creek railroad, passed the first day of April, Anno Domini, one thousand eight hundred and thirty-one, the Roush creek railroad, passed the second day of April, Anno Domini, one thousand eight hundred and thirty-one, and the Swatara and Good Spring creek railroad, passed the second day of April, Anno Domini, one thousand eight hundred and thirty-one, be and the same is hereby extended for the term of five years from the eight day of April, Anno Domini, one thousand eight hundred and thirty-six, and the time for completing said railroad be and is hereby extended for the term of eight years from and after the said eight day of April, Anno Domini, one thousand eight hundred and thirty-six.

H. Buehler,
an additional
commiss'r. of
Fishing
creek comp'y

SECTION 2. Henry Buehler of Dauphin county, is hereby appointed an additional commissioner of the said Fishing creek railroad company, with like powers and like duties as are possessed and enjoined on the other commissioners created by said act, whose duty it shall be to open an additional book, at Buehler's Hotel, Harrisburg, Dauphin county, at such time as may at any time be agreed on by a majority of the commissioners appointed by this and the act to which this is a supplement.

Tolls in-
creased.

Proviso.

SECTION 3. The said company is hereby authorized, if their interests shall require it, to increase the toll on said railroad from one and a half cents to two and one half cents per mile, for each and every ton of anthracite coal that shall be transported on the same: *Provided*, That whenever the said tolls shall exceed twelve per centum. on the capital expended, they shall be reduced so as not to exceed that amount.

SECTION 4. David Greenawalt of the county of Lebanon, is hereby appointed in the place of Christian Ley, deceased,

and Paul Barr of Pinegrove, in the county of Schuylkill, D. Greena-
 in the place of Simon Ulman, (removed,) commissioners of walt & Simon
 the Swatara and Good Spring creek railroad company, to Ulman, com-
 do and perform all and singular, the duties enjoined on the missioners of
 commissioners by the act to which this is a supplement; Swatara and
 and the said company is hereby authorized, if they deem Good Spring
 it necessary, to increase the toll on said railroad from one creek comp'y
 and one half cents to two and one half cents per mile, for ed.
 each and every ton of anthracite coal that shall be trans-
 ported on the same: *Provided*, That whenever the said Proviso.
 tolls shall exceed twelve per centum on the capital ex-
 pended, they shall be reduced so as not to exceed that
 amount.

SECTION 5. The Roush creek railroad company is hereby Roush creek
 authorized, if they deem it necessary, to increase the toll company; toll
 on said railroad from one and one half to two and one half increased.
 cents per mile, for each and every ton of anthracite coal
 that shall be transported on the same: *Provided*, That when- Proviso.,
 ever the said tolls shall exceed twelve per centum on the
 capital expended, they shall be reduced so as not to exceed
 that amount.

SECTION 6. So much of the aforesaid several acts to which Repeal.
 this is a supplement, that is hereby altered and supplied,
 be and the same is hereby repealed.

SECTION 7. That the Liggett's Gap railroad company are Liggett's Gap
 hereby authorized to re-locate such parts of said road as railroad may
 may tend to improve its several grades: *Provided always*, be relocated.
 That it commences and terminates as at present located.

NER MIDDLESWARTH,

Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,

Speaker of the Senate.

APPROVED—The first day of April, A. D. eighteen hund-
 red and thirty-six.

JOS: RITNER.

No. 144.

Act

Erecting parts of Northampton and Pike counties into a separate county, to be called Monroe.

Townships
composing
the county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the townships of Ross, Ches-nuthill, Tobyhanna, Pocono, Hamilton, Stroud and Smith-field, north of the Blue mountain, in Northampton county, together with the townships of Middle Smithfield, Price and Colbaugh, in Pike county, shall be and the same are hereby declared to be erected into a separate county, to be called Monroe.

Rights and
privileges.

SECTION 2. The inhabitants of the said county of Monroe, from and after the first day of September next, shall be entitled to, and at all times thereafter have all and singular. the courts, jurisdictions, offices, rights and privileges to which the inhabitants of other counties of this state are entitled by the constitution and laws of this common-wealth.

Where courts
to be held.

SECTION 3. The several courts in and for the said county of Monroe, shall be opened and held at such house as may be designated by the commissioners of said county, to be elected at the next general election, until a court house shall be erected in and for the said county, as is hereinafter directed, and shall be then held at the said court house.

Transfer of
certain suits
pending.

SECTION 4. All suits and cases which shall be pending and undetermined in the several courts of Northampton county, and in Pike county, on the first day of September next, where both parties in such suit or suits shall at that time be resident in the county of Monroe, shall be trans-ferred to the respective courts of Monroe county, and shall be considered as pending in said court, and shall be pro-ceeded on in like manner as if the same had been originally commenced in said courts, except that the fees on the same due to the officers of Pike county and Northampton county, shall be paid to them, when recovered by the prothonotary or sheriff of Monroe county, and the prothonotary of Pike county, and the prothonotary of Northampton county shall, on or before the first day of June next, purchase dockets, and copy therein all the docket entries respecting the said suits and cases, to be transferred as aforesaid, and shall, on or before the first day of August next, have the said dockets, together with the records, declarations, and other

papers respecting the said suits and cases, ready to be delivered to the prothonotary of Monroe county, the expenses of said dockets and copying to be paid by the said county of Monroe, on warrants, to be drawn by the commissioners of Monroe county on the treasurer thereof.

SECTION 5. All taxes, and arrears of taxes laid, or which have become due within the said county of Monroe before the passing of this act, and all sums of money due to the commonwealth for militia fines in said county of Monroe, shall be collected and recovered as if this act had not been passed: *Provided always*, That the money arising from the county taxes assessed, or to be assessed within the limits of the said county of Monroe subsequently to the first day of November last, shall from time to time, as the same may be collected, that part thereof which was assessed in the county of Northampton, be paid into the treasury of the county of Northampton, for the use and benefit of the county of Monroe, until a treasurer shall be appointed in the county of Monroe; and the treasurer of the county of Northampton shall keep separate accounts thereof, and pay the same to the treasurer of Monroe county, as soon as he shall have been appointed, and whatever part of said taxes that have been assessed since the first day of November last, may remain uncollected in the county of Monroe at the time of the appointment of the treasurer thereof, the same shall be collected in the usual manner, and paid into the treasury of the county of Monroe: *And provided also*, That the same order and proceedings shall likewise be observed on this subject between the counties of Pike and Monroe.

SECTION 6. The sheriff, treasurer, prothonotary, and all such officers as are by law required to give surety for the faithful discharge of their respective offices, who shall hereafter be appointed or elected in the said county of Monroe, before they or any of them shall enter on the execution thereof, shall give sufficient security, in the same manner and form, for the same uses, trusts, and purposes, as such officers for the time being are obliged by law to give in the county of Pike.

SECTION 7. The sheriff, coroner, and other officers in the county of Northampton, shall continue to exercise the duties of their respective offices as heretofore, within that part of Monroe county, which, before the passing of this act, was within the county of Northampton; and the sheriff, coroner, and other officers of the county of Pike, shall continue to exercise the duties of their respective offices as heretofore, within that of Monroe county which before the passing of this act was within the county of Pike, until similar officers shall be appointed, agreeably to law, within the county of Monroe; and the persons who shall be appointed associate judges for the county of Monroe, shall take and

subscribe the requisite oaths and affirmations of office, before the prothonotary of the court of Common Pleas of the county of Northampton, who shall file a record of the same in the office of the prothonotary of the court of Common Pleas of the county of Monroe, who may be appointed at any time after the passage of this act.

Election of members of the legislature and of Congress.

SECTION 8. The inhabitants of the counties of Northampton, Wayne, Pike and Monroe, shall jointly elect such number of representatives, and in conjunction with Lehigh county, two senators, to serve in the legislature of this commonwealth, as said counties may be entitled to, or separately, as may hereafter be arranged, in the same mode, and under the same regulations, and make returns in the same manner as is or shall be directed by the laws of this commonwealth for conducting and making returns in the said counties of Northampton, Wayne and Pike, in the case of representatives, and of the said counties and Lehigh county, in the election of senators; and the said county of Monroe shall form a part of the district now composed of the counties of Northampton, Wayne and Pike, for the election of a member of Congress, until otherwise directed by the legislature of this commonwealth.

Manner of fixing site of court house, jail and public offices.

SECTION 9. The qualified voters residing within the bounds of the said county of Monroe, shall meet on the first day of July next, at the places appointed for holding the general elections in the said county, of which election twenty days public notice shall be given, by five written or printed advertisements, put up at five of the most public places in each township, by the constable or supervisors of highways thereof, giving notice of the time and place of holding the said election, and the said qualified voters shall on the said day, vote by ballot, for the site whereupon the court house, jail and public offices for the county of Monroe shall be erected, which election shall be held and conducted in the same manner that the general elections in this commonwealth are held and conducted, and by the same judges, inspectors, and clerks who held and conducted the last general election, unless some of the said judges, inspectors and clerks shall have removed, died, or been prevented from attending, in which case the vacancy or vacancies may be supplied between ten and twelve o'clock in the morning, by the attending qualified voters, or a majority of them; and the said election shall be held and conducted under the same solemnities, rules and laws appointed for the regulating and conducting the general elections; and one of the judges from each election district within the said county of Monroe, shall attend with the election returns, on the second day of July next, at the house of S. J. Hollinshead, in Stroudsburg, between the hours of two o'clock and seven o'clock in the afternoon, and add the

number of votes given for each site voted for, and make and sign duplicate certificates of the whole number of votes given, and if a majority of the whole number of votes given shall designate some one particular site, then they shall certify that fact; but if there should not be a majority of the whole number of votes for any particular site, they shall proceed immediately to notify the several constables or supervisors of the several townships of the same, whose duty it shall be to advertize that a subsequent election will be held, on Tuesday the twenty-sixth day of July then next, for the purpose of deciding the same, which subsequent election shall be conducted in the same manner, and by the same officers who shall have held and conducted that of the first of July, and the returns shall be made on Thursday the twenty-eight of July, at the same place and in like manner as the first, except that the site having the highest number of votes at such subsequent election, shall be considered as the place fixed upon, one of which certificates shall be sent to Governor of this commonwealth, and the other shall be delivered unto the commissioners of Monroe county, as soon as may be after such shall be elected; and Moses W. Cool-Trustees appointed; their
 baugh, Benjamin V. Bush, William Van Buskirk, Michael Shoenaker, and Joseph Trach, are appointed trustees, whose duties.
 duty it shall be to receive written offers of donations in real estate and money, towards defraying the expenses of the lands and public buildings for the use of the county of Monroe, which written offers shall, so far as by the terms of them shall be applicable, be held obligatory on the person who have made them, and shall be delivered over to the county commissioners of Monroe county, as soon as such shall be elected, and shall be recovered by them, and applied as aforesaid; and if real estate, the same may be sold and conveyed by the said county commissioners, and the money applied as aforesaid; and it shall be lawful for the commissioners of the county of Mon-County commissioners;
 roe, who shall be chosen at the next annual election, to take their duties;
 assurance to them and their successors in office, of such lot or lots of ground as shall have been designated by the majority of the votes given as aforesaid, for the purpose of erecting therein a court house, jail, and offices for the safe keeping of the records, and the county commissioners are hereby authorized to receive by subscriptions or donations, money and materials toward defraying the expenses of the said lots and buildings, and they also are hereby authorized to assess, levy, and collect a sufficient sum to defray the expenses thereof, and for building a court house and prison, or so much as shall be needful to supply deficiencies, in case there shall not be a sufficiency given and subscribed as aforesaid, which court house and prison they are hereby authorized to erect.

Supreme
court.

SECTION 10. The judges of the Supreme court shall have like powers, jurisdictions and authorities within the said county of Monroe, as by law they are vested with and entitled to have and exercise in other counties of this state, and the said county is hereby annexed to the eastern district of the Supreme court.

Judicial dis-
trict.

Time of hold-
ing courts.

SECTION 11. The county of Monroe shall be annexed to and compose part of the eleventh judicial district of this commonwealth, and the courts in said county of Monroe, shall be held on the third Mondays of February, May, September and December, in each and every year, and to continue one week at each term, if necessary; the first court to be held on the third Monday of December next.

Certioraries
and appeals.

SECTION 12. Certioraries directed to, and appeals from the judgement of any justice of the peace of the said county of Monroe, and all criminal prosecutions which may originate in the said county, before the test day hereinafter mentioned, shall be proceeded in as heretofore in the courts of Common Pleas and Quarter Sessions of the counties of Northampton and Pike, respectively, and all process to issue from the courts of the said county of Monroe, returnable to the first term in said county, shall bear test on the third Monday of October next.

Returns of
election.

SECTION 13. The judges of the district elections within the county of Monroe, shall meet together at the place where the courts are to be held in the said county, and after having proved the returns of the whole election, shall dispose of the said returns in the same manner as by law the county of Pike are required to do.

Persons lia-
ble to impris-
onment to be
confined in
the jail of
Northampton
county.

SECTION 14. In all cases when it would be lawful for the sheriff, jailor, or prison keeper of the county of Monroe, to hold in close custody the body of any person in the common jail of the said county, if such jail were at this time erected in and for the said county, such person shall be delivered to and kept in close custody by the sheriff, jailor, or prison keeper of the county of Northampton, who upon delivery of such prisoners to him or them, at the common jail in the said county of Northampton, shall safely keep him, her, or them, until they be discharged by the due course of law, and shall also be answerable in like manner, and liable to the same pains and penalties, as if the person so delivered were liable to confinement in the common jail of Northampton county, and the parties aggrieved shall be entitled to the same remedies against them, or any of them, as if such prisoner had been committed to his or their custody by virtue of legal process, issued by proper authority of the said county of Northampton: *Provided always*, That the sheriff of Monroe county be allowed out of the county stock of said county, ten cents per mile, as a full compensation for every person charged with a criminal offence, which may be delivered to the jail of

Proviso.

Northampton county, by virtue of this act, on orders drawn by the commissioners of Monroe county on the the treasurer thereof.

Jail fees.

SECTION. 15. The sheriff, jailor, and prison keeper of the county of Northampton, shall receive all prisoners as aforesaid, and shall provide for them according to law, and shall be entitled to fees for keeping them, and also for such allowance as is by law directed for the maintenance of prisoners in similar cases, which allowance shall be defrayed and paid by the commissioners of the county of Monroe, out of the county stock.

When prisoners are to be conveyed to the jail of Monroe co.

SECTION 16. The fourteenth and fifteenth sections of this act shall be and continue in force for the term of three years, or until the commissioners of Monroe county shall have certified to the court that a jail is erected and ready for the reception of prisoners, and approved of by the court and grand jury, who shall enter approbation, signed by them, on the records of said court, and from thenceforth it shall be lawful for the sheriff of Monroe county to receive all and every person or persons who may be then confined in the jail of Northampton county, in pursuance of this act, and convey them to the jail of Monroe county, and to keep them in close custody until they be discharged by due course of law.

NER MIDDLESWARTH,

Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,

Speaker of the Senate.

APPROVED—The first day of April, Anno Domini, one thousand eight hundred and thirty-six.

JOS: RITNER.

No. 145.

An Act

For the relief of Josiah Pell, and other soldiers and widows of soldiers of the Revolutionary war.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in*

Gratuities &
annuities of
\$40 each to
Josiah Pell
and others.

General Assembly met, and it is hereby enacted by the authority of the same, That the State Treasurer is hereby authorized and required to pay Josiah Pell, Bethia Jenkins, and Alice Picket of Luzerne county, Gabriel Parris of the city of Philadelphia, Samuel Austin of Armstrong county, soldiers and widows of soldiers of the revolutionary war, or their respective orders, forty dollars to each immediately, and an annuity of forty dollars to each during life, payable half-yearly, to commence on the first day of January, one thousand eight hundred and thirty-six.

Gratuities of
\$40 each to
S. Hahn and
M. Barach-
man.

SECTION 2. The State Treasurer be and he is hereby authorized and required to pay to Samuel Hahn of Northumberland county, and Margaret Barachman, widow of a soldier of Luzerne county, or their respective orders, forty dollars to each immediately, as a gratuity, in full for their revolutionary service; the foregoing pensions and gratuities to be paid in conformity to the existing laws.

NER MIDDLESWARTH,

Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,

Speaker of the Senate.

APPROVED—The first day of April, A. D. eighteen hundred and thirty-six.

JOS: RITNER.



No. 146.

An Act

Regulating Election Districts, and for other purposes.

Delaware
county—
Marple town-
ship

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That Marple township in the county of Delaware, shall hereafter form a separate election district, and the electors thereof shall hold their general elections at the public house of Samuel Hale, in said township.*

SECTION 2. The electors of Franklin township, Susquehanna county, shall hereafter hold their general elections at the house now occupied by Stephen Barnum, in the said township.

SECTION 3. The electors of Providence township, Luzerne county, shall hold their general elections alternately at the house now occupied by Nathaniel Cotrill, in the village of Centreville, and at the house now occupied by Sylvanus Heemans, in said township, the first election to be held at the latter place: That the electors of Lehman township, in the said county, shall hereafter hold their general elections at the house called Centre school house, in said township: That part of Hanover township, in Luzerne county, bounded as follows, to wit: beginning on the east bank of the Lehigh, on the lower line of Northampton and Luzerne counties, thence along the line of said counties to the line between Hanover and Sugar Loaf townships, thence along said line to the top of the Nescopec mountain, thence north fifty degrees east, to the line between Hanover and Wilkesbarre townships, thence along said line to the east bank of the Lehigh, shall be a separate election district, and shall hold their general elections at the house now occupied by John Forsman; and the electors of the township of Fairmount, in Luzerne county, shall hereafter hold their general elections at the house now occupied by David D. Davies, in said township.

SECTION 4. The electors of Colerain township, in Bedford county, shall hereafter hold their general elections at the house now occupied by William Metz, in Rainsburg.

SECTION 5. The electors of Smith township, Washington county, shall hereafter hold their general elections at the brick school house in Burgetstown, in said township.

SECTION 6. The electors of Menallen township, Fayette county, shall hereafter hold their general elections at the house now occupied by John Springer, on the national road, in said township; and the electors of Washington township, in said county, shall hereafter hold their general elections at the public school house in Cookstown.

SECTION 7. The electors of Colebrook township, Lycoming county, shall hereafter hold their general elections at the public house at the mouth of Lick run, called Lick run tavern.

SECTION 8. The electors of Fayette township, Juniata county, shall hereafter hold their general elections at the carpenter shop of Danal Hoffman, in M'Calisterville.

SECTION 9. The electors of Warren township, Bradford county, shall hereafter hold their general elections at the house now occupied by George Bowen, in said township; and the electors of South Creek township, in said county, shall hereafter hold their general elections at the house now occupied by Asa Gillet in said township; and that the township

South creek township. of South Creek in said county, shall hereafter constitute a separate election district, and shall hold their general elections at the house now occupied by Asa Gillet, in said township.

M'Kean co. Sergeant township. SECTION 10. The electors of Sergeant township, M'Kean county, shall hereafter hold their general elections at the house now occupied by Joel Bishop, in said township.

Jefferson co. Eldred township. SECTION 11. The township of Eldred in the county of Jefferson, shall hereafter be a separate election district, and hold their general elections at the house now occupied by James Linn, in said township.

Beaver co. Racoon township. SECTION 12. That the electors of Racoon township, Beaver county, shall hereafter hold their general elections at the house now occupied by John Ewing, in said township.

Somerset co. Shade township. SECTION 13. The electors of Shade township, Somerset county, shall hereafter hold their general elections at the house now occupied by Abraham Brubaker, in said township.

Warren co. Limestone township. SECTION 14. The electors of Limestone township, Warren county, shall hereafter hold their general elections at the house now occupied by Henry Magee, in the said township; and that the electors of Cranberry township, Venango county, shall hereafter hold their general elections at the house now occupied by Alexander M'Cammon, in said township.

Bedford co. Southampton township. SECTION 15. The eastern section of Southampton township in the county of Bedford, included in the following limits, to wit: beginning at the house of Jacob Mills, thence along Wilson's ridge, in a straight line to the Maryland line, thence by the Maryland line to the intersection of the line of Bethel township, thence by the line of Bethel township to the southern boundary of Providence township, and thence by the said southern boundary to the place of beginning, shall hereafter be a separate election district, and the electors therein shall hold their general elections at the house now occupied by John Shrieves, in said township, and said district shall be called Sideling Hill district.

Northumberland co. Jackson township. SECTION 16. The electors of Jackson township, Northumberland county, shall hereafter hold their general elections at the house now occupied by Peter Swartz, in the said township; and that the electors of Upper Mahanoy township, in said county, shall hereafter hold their general elections at the house now occupied by Henry Mallick, in said township.

Huntingdon co. 3d & 4th districts. SECTION 17. The electors comprised within the limits of the third election district of Huntingdon county, consisting of Warriormark township, and parts of Tyrone and Antis townships, shall hereafter hold their general elections at the house now occupied by Christian Buck, in Warriormark, and that the electors of the fourth election district, composed

of the townships of Frankstown and Allegheny, shall hereafter hold their general elections at the public school house in Hollidaysburg.

SECTION 18. The electors of Morris township, Clearfield Clearfield co. county, shall hereafter hold their general elections at the Morris town- house now occupied by William M. Hunter, in said town- ship.

SECTION 19. The electors of West Nantmeal township, Chester co. in the county of Chester, shall hereafter hold their general West Nant- elections at the Indian town school house, in said township. meal town- ship.

SECTION 20. The electors of Franklin township, Brad- Bradford co. ford county, shall hereafter hold their general elections at Franklin the house now occupied by William Demer, in said town- township. ship.

SECTION 21. The electors of West Penn township in the Schuylkill co. county of Schuylkill, shall hereafter hold their general West Penn elections at the house now occupied by Morritz Forreider, township. in said township.

SECTION 22. The electors of that part of Heidleberg Berks co. township, Berks county, who have heretofore held their Heidelberg general elections at the house of Henry Binkley, shall here- township. after hold their general elections at the court house in the borough of Reading.

SECTION 23. The line dividing the Allegheny and Kiski- Armstrong minitas election districts, in the county of Armstrong, shall county— hereafter be extended to the line dividing the townships of Allegheny & Allegheny and Kiskiminitas, in said county. Kiskiminitas townships.

SECTION 24. The electors of Burnside township, Clearfield Clearfield co. county, shall hereafter hold their general elections at the Burnside house now occupied by John Young, in said township. township.

SECTION 25. The unincorporated section of Penn township, Philad'a. co. in the county of Philadelphia, shall hereafter form two sepa- Penn town- rate election districts, and the electors of that part of said ship. township lying south of Islington lane, shall hereafter hold their general elections at the house now occupied by George Hoak, known by the name of the "Girard Hotel;" and that the electors of that section of the unincorporated part of said township, north of Islington lane, shall hereafter hold their general elections at the Robin Hood tavern, Ridge road, now occupied by Joseph Lake.

SECTION 26. The electors of Paint township, Venango Venango co. county, shall hereafter hold their general elections at the Paint town- house of John Joy, in said township. ship.

SECTION 27. The electors of Bell township, Clearfield Clearfield co. county, shall hereafter hold their general elections at the Bell town- house now occupied by Federick Tanyear, in said township; ship. and that the electors of Raccoon township, in the county of Beaver co. Beaver, shall hereafter hold their general elections at the Raccoon house now occupied by John Ewing, in said township. township.

Adams co.
Hamilton &
Berwick
townships.

SECTION 28. The electors of those parts of Hamilton and Berwick townships, Adams county, included within the following limits, to wit: beginning where the Hanover and Petersburg turnpike road crosses the York county line, thence along said turnpike to the place where the road from Berlin to Oxford crosses the said turnpike, thence along the said Oxford road, until it intersects the new road from George Mummert's farm, on the said Oxford road, thence along said road to the York county line, near David Hollinger's saw mill, thence along said York county line to the place of beginning, shall hereafter hold their general elections at the public school house in Abbottstown; and all that part of Huntingdon township, in the county of Adams, south of the road leading from East Berlin to Carlisle, and east of the state road, including all the voters residing contiguous to said state road, shall hereafter vote at Heidlersburg, in the township of Tyrone, at the general elections.

Armstr'g. co.
Clarion t—p.

SECTION 29. That part of the township of Clarion, in the county of Armstrong, which lies south of a straight line running from Clugh's mill on Clarion river, to the house of James Sloan, on the line dividing the townships of Clarion and Redbank, shall hereafter hold their general elections at the house of William F. Keever, in said township.

Lancaster co.
Strasburg
township and
borough.

SECTION 30. The township of Strasburg and the borough of Strasburg, in the county of Lancaster, shall hereafter form two separate election districts, and the electors of said borough shall hereafter hold their general elections at the house where the general elections have been hitherto held in said borough; and the said township of Strasburg shall hereafter be separated from said borough for the election of township officers, and for the assessment and collection of state, county, and other taxes, and the electors thereof shall hereafter hold their general elections at the house now occupied by William Rice, in said borough.

Bradford co.
Springfield &
Burlington
townships.

SECTION 31. Those parts of Smithfield and Springfield townships, lately added to Burlington township in the county of Bradford, shall hereafter constitute, with said township of Burlington, a separate election district, and shall hold their general elections at the place where the general elections of Burlington township are now held; and that the electors of Leroy township in said county shall hereafter constitute a separate election district, and shall hold their general elections at the Central school house in said township.

Centro co.
Potter town-
ship.

SECTION 32. That the electors of Potter township in the county of Centre, shall hereafter hold their general elections at the house now occupied by William Ward, at the old fort in said township.

Bradford co.

SECTION 33. The electors of Monroe township, Bradford county, shall hereafter hold their general elections at the

house now accupied by Sevellon Z. Fowler, in the said township.

SECTION 34. The electors of that part of Earl township, Lancaster co. in the county of Lancaster, who have hitherto held their Earl town-general elections at the twenty-seventh district, shall here- ship. after elect with that section of the said township who now hold their elections at the house now occupied by Anthony E. Roberts, in New Holland.

SECTION 35. The township of Horsham in Montgomery Montg'ry. co. county, shall hereafter form an election district, and the Horsham & electors of said township shall hereafter hold their general Moreland elections at the house of Jacob Kirk, in said township; and townships. the township of Moreland in said county, and also hereafter form an election district, and the electors thereof shall hold their general at the house commonly known as the Sorrel Horse Inn, in the said township.

SECTION 36. All that part of West-township, Huntingdon Hunting'n co county; south-east of Warrior ridge, beginning at the line West & Hen. of West and Henderson townships, at the foot of said ridge, derson town- thence along the foot of said ridge to the line of Barre ships. township, thence by the division line of Barre and West-townships, to the summit of Stone mountain, to intersect the line of Henderson and West-township, thence by said line to the place of beginning, shall be a separate election district, to be called "Murray's run district," and that the Murray's run electors therein shall hold their general elections at the district. house now occupied by Benjamin Corbin, on Murray's run; and the said electors are hereby authorized and empowered to elect, at the usual time and place for holding township An additional elections, one additional supervisor, residing within the supervisor. above described bounds, to attend to making and repairing the public roads within said bounds; and that the electors of Cromwell Cromwell township, Huntingdon county, shall hereafter township. hold their general eletions at the house now occupied by William M'Cardel, in Orbisonia.

SECTION 37. The electors of Union township, Washing- Wash'ton co ton county, shall hereafter hold their general elections at Union town the house now occupied by Levi Findley, in said townsuip. ship.

SECTION 38. The electors of Lower Mahantango township in Schuylkill co the county of Schuylkill, shall hereafter hold their general Lower Ma- elections at the house now occupied by Joseph Osman, in said hantango township. township.

SECTION 39. The electors of Leacock township, Lancas- Lancaster co, ter county, shall hereafter hold their general elections at the Leacock new dwelling and storehouse lately erected by Daniel Groff, township. in said township.

SECTION 40. That from and after the passage of this act, Philadelphia it shall be the duty of the assessors of each ward, township city & co. and district in the city and county of Philadelphia, on or Duty of as- before the first day of September, annually, to make out a sessors.

correct list, alphabetically arranged, of all such inhabitants of their respective wards, townships and districts, as shall be qualified by the constitution of the state to vote therein, and deliver the same to the sheriff of the said county, who shall, on or before the tenth day of September, annually, publish the same, and affix printed copies thereof in at least ten public places in each of the said wards, townships and districts.

When names
of electors
are omitted,
&c.

SECTION 41. It shall be lawful for any qualified elector, whose name may have been omitted from the list authorized to be made by the preceding section of this act, or who may have removed into the ward, township, or district, after the said list shall have been made and published, to make a written statement, under oath or affirmation, setting forth his qualifications, and the fact of said omission or removal, and deliver the same to the sheriff, before the twentieth day of September, in each and every year.

Judges, in-
spectors and
clerks to cor-
rect the lists
of voters.

SECTION 42. For the purpose of correcting any errors which may occur in said lists, it shall be the duty of the judges, inspectors and clerks appointed to hold the general elections, to meet in their respective wards, townships, and districts, on the last Tuesday in September, in each and every year, at ten o'clock in the forenoon, and shall sit publicly, for the examination of the same; and it shall be the duty of the sheriff to furnish the said judges and inspectors with the lists for their respective wards, townships, and districts, and of the statements filed with him under the preceding section, and they, being first sworn or affirmed to perform their duties with fidelity, shall receive such proof of the right of such applicant to vote at the next general election, as is required by the laws regulating elections in this commonwealth, and they shall add to said lists the name or names of such person or persons as they shall find to be duly qualified to vote as aforesaid, and whose name or names may have been omitted from said lists, and they shall certify that they have duly examined and corrected said lists, and shall return the same so certified, to the sheriff, who shall safely keep the same till the day of general election, and shall deliver them to the said judges and inspectors on the morning of the general election, before the opening of the polls thereof, which said list, duly attested by the said sheriff, shall be deemed and taken to be the only and conclusive evidence of the qualifications of the electors thereof; and in case the name of any person not qualified to vote as aforesaid, shall be inserted by the assessors on the lists to be published as aforesaid, if the same shall be satisfactorily and by legal evidence shown to the said inspectors and judges, after due notice to the parties concerned, as aforesaid, it shall be lawful for them to erase the said name: *Provided*, That in the case of an elector removing

Sheriff's duty

Proviso.

the ward, township, and district, and applying to the
 iff as aforesaid, the statement shall set forth the name
 he ward, township or district from which he shall have
 oved, and the said inspectors shall thereupon certify the
 of said removal to the inspectors of the ward, township,
 district where the said elector shall have removed, who
 l erase his name from the list authorized and prepared as
 esaid: *And provided further*, That any elector who shall 2d Proviso.
 ove into any ward, district or township of the city and
 ty of Philadelphia, after the said meeting of the inspect-
 and the correction of said lists, shall be entitled to vote
 ein, if otherwise qualified under the constitution and
 s, upon exhibiting to the inspectors at the time of said
 tion, evidence given under his own, and the oath or
 nation of two qualified electors thereof, of his removal
 said ward, district or township after said lists shall
 e been so corrected.

SECTION 43. That the judges, inspectors and clerks in The judges,
 several wards, townships and districts of the city and inspectors &
 ty of Philadelphia, except in the district of Southwark, clerks of
 ted in the fall of eighteen hundred and thirty-five, shall 1835 to offi-
 s judges and inspectors of the general election of eighteen ciate in 1836,
 red and thirty-six; at which election it shall be lawful Southwark
 he qualified electors of the same to vote for inspectors excepted.
 at at the election for President and Vice President of Election of
 nited States, and at the general election of eighteen President
 red and thirty-seven, and at every general election and Vice
 alter, the said electors shall elect inspectors for the President.
 election: *Provided*, That the inspectors so to be elected Proviso.
 e general election, shall be elected by the electors of
 ward, district and township separately, at the windows
 ppropriated to the same, and that a separate count shall be
 thereof, and duplicate returns be made of the same,
 to be delivered to the sheriff, who shall, within five
 after the said election, cause the same to be published
 in at least two daily papers in the city and county of
 delphia, and the other to be deposited with the commis-
 s of the county of Philadelphia: *Provided*, That in 2d Proviso.
 of any vacancy occurring by death or otherwise, among
 aid inspectors, it shall be filled at a meeting of the
 ctors of the said city or county, at a general meeting,
 held on the day preceding the general election, at ten
 k, A.M., at some place to be designated by the sheriff
 said county.

SECTION 44. That the assessors for the several wards, dis- Assessors for
 nd townships in the city and county of Philadelphia, the year 1837
 e year eighteen hundred and thirty-seven, shall be elect- to be elect-
 he general election in eighteen hundred and thirty-six, at the gener-
 ereafter at every general election, to serve for the ensu- al election in
 ar, under the same regulations as are provided by, the 1836.

preceding section for the election of inspectors, and that assessors now in office, shall continue in office till their successors shall be elected, under the provisions of this section.

Southwark
excepted.

Inspectors &
assessors to
be elected ac-
cording to
provisions of
a certain act.

SECTION 45. That the election of inspectors and assessors in the district of Southwark, in the fall of eighteen hundred and thirty-six, shall be excepted from the provisions of the preceding sections of this act, and that the inspectors and assessors to act at the next general election, shall be elected according to the provisions of the act entitled "An act to divide the incorporated district of Southwark into five wards and for other purposes," passed at this session of the legislature, and the general election laws of this commonwealth extended to the said district.

Election of
inspectors
after the next
general elec-
tion.

Registry
of names to
extend to
Southwark.

SECTION 46. That the election of inspectors for all elections after the next general election in the district of Southwark, shall be regulated according to the provisions of the preceding sections of this act relating to the city and county of Philadelphia, and that all the provisions of this act authorizing and directing a registry of electors, are declared to extend forthwith to the wards of the said district of Southwark, common with the other wards, districts and townships of the said city and county of Philadelphia.

Sheriff to is-
sue procla-
mation.

SECTION 47. That in addition to the proclamation now required to be made by the Sheriff of the city and county of Philadelphia, he shall give notice, by proclamation, to the electors thereof, to vote for inspectors and assessors for the several wards, districts and townships of the said city and county.

Penalty and
fine for inter-
fering in
election.

SECTION 48. If any person not qualified to vote in any ward, district, or township of the city and county of Philadelphia, agreeably to the provisions of this act, shall be seen appear at the place of election where he is not entitled to vote, and there distribute tickets, or in any way interfere in the election, or riotously disturb the peace, then on conviction thereof, he shall be imprisoned, for not less than one year, nor more than two years, and pay a fine not exceeding five hundred dollars.

Penalty for
breach of this
act.

SECTION 49. That for any breach of either of the provisions of the various sections of this act applying to the city and county of Philadelphia, any person offending shall be liable, on indictment and conviction therefor, to a fine of not less than one, nor more than five hundred dollars.

Qualification
of voters.

SECTION 50. That from and after the passage of this act no person shall be qualified to vote for corporation officers in any of the incorporated districts of the county of Philadelphia, unless he shall have paid a corporation tax, at least one year before the said election.

Repeal.

SECTION 51. That all such parts of the general election law applying to the city and county of Philadelphia, as are hereby altered, be and the same are repealed.

SECTION 52. That any freeholder of the city or county of Philadelphia, or county of Bucks, who may feel aggrieved by the last or any future assessment of his property, and dissatisfied by the decision of the county commissioners, on his or her appeal from the said assessment, may appeal from the decision of the county Commissioners to the Court of Common Pleas of the county of Philadelphia, or of the county Bucks, and for that purpose may present to the said court, within thirty days after the passage of this act, in future cases, within thirty days after the county commissioners shall have informed him or her of their decision, his or her petition, setting forth the facts of the case, and the said court shall proceed at the earliest convenient time, to be by them appointed, and of which notice shall be given to the county commissioners, to hear the said appellants, and his or her proofs, and the said court shall make such decree, affirming or reducing the assessment combined of, as to them shall seem just and right, having due regard to the valuations and assessments made of adjoining neighboring estates; and if the party thus appealing shall require it, it shall be the duty of the said court, instead of trying the case themselves, to cause a jury of five or seven to be drawn by the prothonotary of the court, by lot, from the last preceding panel of special jurors returned to that court, and to issue their precept to the sheriff, requiring him to summon said jurors to attend, on a day to be named in said summons, not less than ten days after it shall so issue, in the room usually occupied by the grand jury of the said county, or elsewhere, as may be best, and the said party appealing, and the said county commissioners, may attend before said jury, and be respectively heard, and the said jury shall make their award, under their hands, or the hands of a majority of them, which award shall be good, if all those who sign it are present at the inquiry, and the said court shall make their final decree according to said award, and shall direct the said appellant to pay the costs of said venire and service, and of said jury, not to exceed one dollar for each juror, and shall have power to enforce payment thereof by attachment: *Provided*, That if there shall be more than one appeal pending in said court before the trying of said venire, all the cases then pending and requiring a jury, shall be heard before the same jury, and the costs shall be apportioned among them, and in such case each juror shall be entitled to one dollar per diem, and no more.

SECTION. 53. That the township of Derry in the county of Columbia, shall be a separate election district, and the electors thereof shall hold their general election at the house now occupied by Jacob Sydel, in said township.

SECTION 54. That the town of Berlin, in Brother's Valley Somerset co.

Counties of
Philadelphia
or Bucks—
Freeholders.
may appeal.

Time of ap-
peal limited.

Court may
appoint a ju-
ry of five or
seven men.

Compensa-
tion of jurors.
Proviso.

Columbia co.
Derry town-
ship.

Somerset co.

Town of Ber- township, Somerset county, shall, from and after the pas-
 sage of this act, form a separate election district, the bound-
 ries of which shall be as follows, to wit: beginning at a
 stone, thence north seventy-nine degrees west, one hundred
 and fifty perches to a stone, south eleven degrees west
 eighty perches to a stone, south seventy-nine degrees east
 one hundred and sixteen perches to a stone, north eleven
 degrees east, fifteen perches to a stone, south seventy-nine
 degrees east, nineteen perches to a stone, north eleven degrees
 east, sixteen perches to a stone, south seventy-nine degrees
 east, sixteen perches to a stone, north eleven degrees east
 fifty-four perches to the place of beginning; and the electors
 residing within the foregoing boundaries, shall hold their
 general elections at the house now occupied by Archibald
 Compton, in said town of Berlin, and all that part of
 Brother's Valley township, including the town of Berlin,
 designated and included within the foregoing described
 boundaries, shall be separate for every purpose, and in every
 respect, from Brother's Valley township.

SECTION 55. That the electors of that portion of Chapman
 township, Lycoming county, residing on Kettle creek, in said
 township, shall in future hold their general elections at the
 mill now owned by Archibald Stewart.

SECTION 56. That the school district, composed of the
 township of Henderson, in the county of Huntingdon, shall
 after and from the passage of this act, be divided into two
 constitute two separate and distinct school districts, accord-
 ing to the following boundaries, that is to say: that part of
 said township, commencing at the junction of Stand
 Stone creek with the Juniata river, thence up said creek
 as to include the farm of Patrick Givin, now in the occu-
 pancy of Moses Sines, thence by a straight line to the Juni-
 ata river, opposite the mills of John Whitaker, and thence down
 said river to the junction of said creek with said river
 (including the borough of Huntingdon,) shall constitute one
 school district, and the residue of said township shall
 constitute another separate and distinct school district. And
 the present school directors of said district, composed of
 said township of Henderson, shall after and from the passage
 of this act, be and continued school directors of the several
 districts in which they may and shall reside, at and imme-
 diately after the date thereof, in like manner, and with like
 powers and authority, as if they respectively had been duly elected
 for the same.

SECTION 57. That such persons, not exceeding six in num-
 ber, in each of said districts, together with and including
 the present directors residing therein, who at the regular
 elections held in said borough and township, on the eight-
 eenth day of March, eighteen hundred and thirty-six, were

voted for and received the greatest number of votes as and for school directors of said respective school districts, shall have full and like power and authority to act as school directors therein, in like manner as they would have had in case this act had been passed previous to said date.

SECTION 58. That the time of electing commissioners for the Kensington district of the Northern Liberties, shall hereafter be on the last Monday in May, and that the electors residing in each of the wards shall, on the last Monday of May next, elect in each of the said wards three citizens, whose residence shall be in the wards for which they are elected, to be commissioners of the said district, and the said fifteen persons so chosen, shall assemble on the Friday next following the said election, and organize their board; and the commissioners from each ward shall then and there proceed by wards, to divide themselves by lot into three classes, the seats of the first class shall be vacated at the expiration of the first year from and after the said last Monday; of the second class at the expiration of the second year; and of the third class at the expiration of the third year: and on the last Monday of each succeeding May, annually, an election shall be held in each of the said wards, in manner aforesaid, for a commissioner to supply the place of him whose time is about to expire, and the five commissioners thus to be chosen on the last Monday of each succeeding May, shall hold their seats as commissioners for the term of three years: *Provided,* That no commissioner of said district shall serve as guardian of the poor, or member of the board of health, or be concerned directly or indirectly, in any contract authorized by the said board of commissioners; nor shall any commissioner be security for any officer, or for the performance of any contract under said board.

Kensington
district N.L.
Time of
electing com-
missioners.

Term of ser-
vice.

SECTION 59. The polls at the said ward elections for commissioners, shall be opened between the hours of eight and nine in the morning, and shall be closed at eight in the evening; the election shall be conducted in the same manner, and be subject to the same rules, and all persons concerned therein or voting thereat, or in any way connected with or interfering therein, shall be subject to the same rules and liable to the same penalties as are now provided by law, or may hereafter so be provided in relation to the general election; and for the purpose of holding said commissioners election, two inspectors and two clerks for each ward shall be chosen at the place of election, at eight o'clock in the forenoon of said election days, by a majority of the electors then and there assembled, of which election the commissioners of said district shall give ten days notice, in handbills, posted up in at least ten of the most public places in each of the said wards; the election for commissioners of said district shall be held at the several houses in each ward

When polls
shall be open-
ed and closed

Inspectors
and clerks.

Elections—
when held.

where the constables' election is now held, or may hereafter be held, by the citizens of said wards.

Constables. SECTION 60. That the electors of each ward shall, on the same day, and at the same place where they meet to elect commissioners for the said district, for the year one thousand eight hundred and thirty-seven, annually thereafter elect two suitable citizens of each ward as constables, and return the names of the persons elected to the court of Quarter Sessions to be held for the county of Philadelphia, and the said court shall appoint one from each ward to act as constable, and the same proceedings shall be had as to constables so appointed.

Repeal. SECTION 61. That the fourth section of an act passed the thirteenth day of March, one thousand eight hundred and thirty-one, so far as relates to the Kensington district of the Northern Liberties, be and the same is hereby repealed.

Repeal. SECTION 62. So much of an act or acts to which this is a supplement, as is hereby altered or supplied, be and the same is hereby repealed.

**Bedford co.
Shellsburg.** SECTION 63. That the village of Shellsburg in the county of Bedford, bounded as follows, to wit: beginning at a post standing in Peter Shell's meadow, thence south eighty-nine degrees west one hundred and seventy-five perches, to a post on George Collins' field, thence north one degree west fifty-nine perches, to a post, thence north eighty-nine degree east one hundred and seventy-five perches, to a post, thence one degree east fifty-nine perches to the place of beginning, including the whole of the said village of Shellsburg, be and the same is hereby erected into a common school district, with the same rights and privileges granted to other school districts in this commonwealth; and the electors of the said village of Shellsburg, shall hold an election for schools on the fourth Monday of April, eighteen hundred and thirty-six, which election shall be held and conducted as election for school directors are now by law held and conducted, which directors shall hold their office until the next annual election for directors.

**Tioga co.
Jackson township.** SECTION 64. The electors of Jackson township in the county of Tioga, shall hereafter hold their general election at the house now occupied by Samuel Taber, in said township.

**Bradford co.
Asylum township.** SECTION 65. That the time for the meeting of the township auditors in the township of Asylum in the county of Bradford, shall hereafter be on the fourth Friday of February in each year.

**Venango co.
Borough of Franklin.** SECTION 66. That from and after the passage of this act, the electors of the borough of Franklin in the county of Venango, are hereby authorized to elect two constables at their borough elections, to serve for one year from the time of their election, or until their places be supplied by others.

SECTION 67. The electors of Delaware township in Juniata co. the county of Juniata, shall hereafter hold their general Delaware elections at the house now occupied by widow Susan Smith, township. in said township.

SECTION 68. That from and after the passage of this act, Street com- the street commissioners of the borough of Towanda, elected missioners of or appointed according to the provisions of the act incorpor- Towanda to ating said borough, shall be by virtue of their office, over- be overseers seers of the poor of the borough of Towanda, according to of the poor. the provisions of the act passed the fifteenth day of April, Anno Domini, eighteen hundred and thirty-four, directing that the supervisors be overseers of the poor.

SECTION 69. The electors of Middle Smithfield township Pike co. in Pike county, shall hereafter hold their general elections at Smithfield the house now occupied by William Overfield, in said town- township. ship.

SECTION 70. The town of Bethlehem, in the township of North'ton co. Bethlehem in the county of Northampton, is hereby declared Bethlehem. a separate school district, according to its bounds as an elec- tion district, and is hereby authorized to levy and collect taxes for school purposes, and to elect school directors.

SECTION 71. That the commissioners of the incorporated Philad'a. co. district of Spring Garden in the county of Philadelphia, be Spring Gar- and they are hereby authorized and empowered to pass from den. time to time, such and so many ordinances as may be thought necessary for the prevention or regulation of the erection and removal from any other place into the said district, of any wooden dwelling house, shop, warehouse, carriage- house, store, stable, or other wooden buildings, within the limits of the said incorporated district of Spring Garden: *Provided*, That such ordinances shall not be contrary to the constitution or laws of this commonwealth.

SECTION 72. That any person being a director of any A bank di- bank of this commonwealth, shall not be thereby disquali- rector may be fied from being a commissioner of the district of Spring commission'r Garden.

SECTION 73. That the commissioners of said district shall Commission- have power to erect market houses in Morris or Spring ers may build Garden street, continued between Broad and Fairmount market house- streets, from time to time, as the public convenience may require, said markets not to exceed in width those already erected in the eastern section of said Spring Garden street.

SECTION 74. The electors of Chest township, Clearfield Clearfield ec- county, shall hereafter hold their general elections at the Chest town- house now occupied by James Thompson, in said township. ship.

SECTION 75. That the electors of Conewago township in York co. the county of York, shall hereafter hold their general elec- Conewago ip tions at the public house of Jacob and Christian Miller, in

the village of Mount Pleasant, in the said township of Conewago.

Perry co.
Borough of
Bloomfield

SECTION 76. That the borough of Bloomfield, in the township of Centre in the county of Perry, are hereby declared to be separated, and hereafter shall act as distinct communities in reference to county rates and levies, the school laws, elections, and to all intents and purposes; the said borough and the said township being hereby erected into separate election districts, the election for said township and borough shall be held at the court house in the said borough, at separate windows or parts of the house.

Constable.— SECTION 77. So much of any law or laws as prevents a person from serving as constable more than three years in any term of six years, is hereby repealed, so far as respects the county of Cumberland.

Columbia co.
Mifflin town-
ship.

SECTION 78. That part of the township of Mifflin in the county of Columbia, laid off for a new township, to be called Paxton, shall hereafter be a separate election district, and the electors thereof shall hold their general elections at the house of Adam Michael, in said district.

Columbia co.
Limestone
township.

SECTION 79. The township of Limestone, in the county of Columbia, shall hereafter be a separate election district, and the electors thereof hold their general election at the Union school house, in said district.

Somerset co.
Stoystown.

SECTION 80. That the borough of Stoystown in Somerset county, shall hereafter form a separate election district, and the electors residing within the limits of said borough, shall hold their several elections, and elections for borough officers, at the house now occupied by John Hite, in said borough; and the said borough shall also form and constitute a school district, and the qualified electors residing within the limits of said borough, shall vote for school directors on the first Tuesday in May next, and if the school law shall be adopted in said borough, then and in that case the said borough shall be entitled to a pro rata share of the appropriation for school purposes; and the said borough shall hereafter be separate and apart from the township of Quemahoning, in every respect, and for every purpose.

Wash'tn. co.
West Find-
lay township.

SECTION 81. The electors of the township of West Findlay in the county of Washington, shall hereafter hold their general elections at the house of William Lucas, in said township.

Perry co.
Liverpool.

SECTION 82. That the township of Liverpool, in the county of Perry, shall hereafter be a separate election district, and the general and other elections for the said township, shall be held at the house now owned by Frederick Rinehart.

Columbia co. SECTION 83. From and after the passage of this act, it shall be lawful for the qualified electors of the county of Columbia, to elect their county treasurer at the same time, and in the same manner that county commissioners are by

law elected, and the treasurer so elected, shall be liable to all the penalties and liabilities, and perform all the duties specified in the laws relating to county treasurers.

NER MIDDLESWARTH,

Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,

Speaker of the Senate.

APPROVED—The first day of April, Anno Domini, eighteen hundred and thirty-six.

JOS : RITNER.



No. 147.

Act

To incorporate the New Holland Railroad company.

SECTION. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Jacob Eaby, Nathaniel F. Lightner, Thomas Himes, Henry Roland, William Hiester, and Anthony E. Roberts, John Galt, Benjamin Hoover, Solomon Diller, Henry Kinzer, A. Brubeches, A. S. Kienzey, John Wallace, *Peter Branch, of Lancaster county, George Louis Mayer, of the city of Lancaster, John Roland, Samuel D. Orrick, William Carman, Abraham Okie, Samuel J. Walker, James M'Cormack, John Pearce, Robert T. Conrad, Robert-P. Neill, William D. Lewis, John Oakford, William J. Crans, of the city and county of Philadelphia, or any two of them, be and they are hereby appointed to do and perform the several duties hereinafter mentioned, that is to say: they shall procure a sufficient number of books, in each of which they shall enter as follows, viz: "We whose names are hereunto subscribed, do promise to pay to the president and managers of the New Holland Railroad company, the sum of fifty dollars for every share of stock set opposite to our respective names, in such manner and proportions, and at such times as shall be determined by the president and managers of the said company, in pursuance of an act of the general assembly of this commonwealth, entitled 'An act to incorporate the New Holland Railroad company;' Witness our hands this day of in the year of our Lord, one thousand eight hundred and ;"

Comm'rs,

Price of
shares, \$50.

Noties of opening books.	and shall thereupon give notice, in two newspapers printed in the city of Lancaster, and one daily paper in the city of Philadelphia, three week at least, of the times and places when and where the said books shall be kept open to receive
Who may subscribe.	subscriptions for the stock of the said company, at which respective times and places one or more of the commissioners shall attend, and permit all persons of lawful age who shall offer to subscribe in the said books, in their own name, or the name of any other person who shall authorize the same, for any number of shares in the said stock, and the said books shall be kept open respectively for the purpose
2000 shares.	aforesaid, at least six hours in every juridical day, for the space of six days, or until there shall have subscribed two thousand shares; and if at the expiration of six days, the books aforesaid shall not have the number of shares aforesaid therein subscribed, the said commissioners may adjourn from time to time, and transfer the book or books elsewhere, until the whole number of two thousand shares shall be subscribed, of which adjournment and transfer, the commissioners aforesaid shall give such public notice as the occasion may require, and when the whole number of shares shall be subscribed, then the books shall be closed; but no subscriptions shall be valid, unless the person so subscribing, shall pay to the said commissioners at the time of making the same, the sum of five dollars on each share, for the use of the company:
May transfer books.	<i>Provided</i> , That on the first day the books shall be so opened, no person shall be permitted to subscribe, either in his own name or in the name of another for his use, for more than twenty shares of the said stock.
Proviso.	SECTION 2. If more than two thousand shares shall be subscribed in the time specified in the first section, to the capital to 2000 sh'rs. stock of the said company, the said commissioners, or a majority of them, shall reduce the subscription to two thousand shares, by striking off from the largest number of shares in succession, until the subscription shall be reduced to two thousand shares, or each of the subscriptions to one share; and if there shall be still an excess, then lots shall be drawn by the commissioners to determine who shall be excluded.
Lots to be drawn.	SECTION 3. When seven hundred shares or more of the said stock shall be subscribed, and five dollars on each share paid to the commissioners, the said commissioners, or a majority of them, shall certify the same, under oath or affirmation, to the Governor, whereupon the Governor shall, by letters patent, under his hand and the seal of the commonwealth, create and erect the subscribers, and if the subscription be not full at the time, then also those who shall thereafter subscribe to the number of shares as aforesaid, their successors and assigns, into a body politic and corporate, in deed and in law, by the name, style and title of "The New Holland Railroad company," and by the same name the subscribers
When letters patent may issue.	
Style of corporation.	

shall have perpetual succession, and be able to sue and be sued, implead and be impleaded, in all courts of record and elsewhere, and to purchase, receive, have, hold and enjoy, to them and their successors, lands, tenements, and hereditaments, goods, chattels, as may be necessary to carry on the business of the said company, and the same from time to time to sell, mortgage, grant, alien or dispose of, and to make dividends of such portions of the profits as they may deem proper, and also to make and have a common seal, and the same to alter and renew at pleasure, and also to ordain, establish and put in execution such by-laws, ordinances and regulations, as shall appear necessary and convenient for the government of the said corporation, not being contrary to the constitution and laws of the United States, or of this commonwealth, and generally to do all and singular, the matters and things which to them it shall lawfully appertain to do, for the well-being of the said corporation, and the due management and ordering the affairs of the same: *Provided*, That nothing herein contained shall be considered as in any way giving to the said corporation any banking privileges whatever, or any other liberties, privileges, or franchises, but such as may be necessary or incident to the making and maintaining of the said railroad.

SECTION 4. The said named persons, or a majority of them, shall, as soon as conveniently may be after the letters patent shall be obtained, give at least twenty days previous notice in the newspapers herein before mentioned, of the time and place by them appointed for the subscribers to meet in order to organize the said company, and choose by a majority of votes, to be given in person or by proxy, which proxy shall have been obtained and bear date within three months previously to the election at which such proxy shall be presented, duly authorized, one president and ten managers, a majority of whom shall be residents of this commonwealth, a treasurer and secretaries, and such other officers as shall be deemed necessary; that the president and managers aforesaid shall conduct the business of said company until the first Monday of January then next, and until like officers shall be chosen, and may make such by-laws, rules, orders and regulations, as are not inconsistent with the constitution and laws of the United States or of this state, and that may be necessary for the well governing the affairs of the company.

SECTION 5. The stockholders shall meet on the first day in January in every year, at such place as may be fixed upon by the by-laws, of which notice shall be given at least twenty days, by the secretary, in the newspapers before mentioned, and choose by a majority of votes present, their officers for the ensuing year, as mentioned in the fourth section of this act, who shall continue in office

for one year, and until others are chosen, and at such other times as they may be summoned by the managers, in such manner and form as shall be prescribed by the by-laws, at which annual or special meeting they shall have full power and authority to make, alter or repeal, by a majority of the votes, in manner aforesaid, all such by-laws, rules, orders, and regulations as aforesaid, to do and perform every other corporate act; and the number of votes to which each stockholder shall be entitled shall be according to the number of shares he or she shall hold, in the proportions following, that is to say: for each share not exceeding two shares, one vote; for every two shares above two and not exceeding ten shares, one vote; for every four shares above ten and not exceeding thirty, one vote; for every ten shares above thirty and not exceeding one hundred, one vote; but no share or number of shares above one hundred, shall confer any additional right of voting, and no share shall confer a right of suffrage, which shall not have been holden three calendar months prior to the election, nor unless it be holden by the person in whose name it appears, absolutely and bona fide in his own right, or in that of his wife, or for his or her sole use and benefit, or as executor or administrator, trustee or guardian, or in the right and for the use and benefit of some copartnership, corporation, or society, of which he or she may be a member, and not in trust for or to the use and benefit of any other person: *Provided*, That no shares held by transfer, shall be entitled to vote, unless the same shall have been transferred at least three months before the election, and all votes by proxy shall be on such terms and conditions as are prescribed by the act passed on the twenty-eighth day of March, in the year one thousand eight hundred and twenty, entitled "An act to regulate proxies."

Ratio of votes

Proviso

Manner of conducting elections.

Failure to elect shall not dissolve.

SECTION 6. The election of officers provided for in the fifth section of the act, shall be conducted in the following manner, that is to say: the managers for the time being shall appoint two of the stockholders not being managers, to be judges of the said election, and to conduct the same, after having severally taken and subscribed an oath or affirmation, before an alderman or justice of the peace, well and truly and according to law to conduct such election, and the said judges shall decide on the qualifications of the voters, and when the election is closed, shall count the votes, and declare who has been elected; and if it shall at any time happen that an election of president, managers, treasurer, or other officer, shall not be made, the corporation shall not for that cause be deemed to be dissolved, but it shall be lawful to hold and make such election of president, managers, treasurer or other officer, on the same day, or any other day thereafter, by giving at least ten days notice, signed by the president or secretary, in the newspapers, before mentioned,

of the time and place of holding said election, and the president, managers, treasurer, and other officers of the preceding year, shall in that case continue to act, and be invested with all the powers belonging to their respective situations, until an election shall take place: In the case of Vacancies, death, resignation, or removal from the state of any president, manager, treasurer or other officer, his place shall be filled by the board of managers until the next annual election.

SECTION 7. The said president and managers shall meet Meetings of at such times and places as shall be found most convenient president and for the transacting of their business, and when met, six managers. shall be a quorum, who in the absence of the president may Six a quorum choose a chairman, and shall keep minutes of their transactions, fairly entered in a book, and a quorum being formed, they shall have full authority to appoint all such surveyors, Appoint officers, engineers, superintendents, and other artists and officers as cers, etc. they shall deem necessary to carry on the intended work, and to fix their salaries and wages, to ascertain the times, manner and proportion in which the said stockholders shall pay the money due on their respective shares, to draw orders on the treasurer for the same, which shall be signed by the president, or in his absence by a majority of the managers present, and countersigned by the secretary, and generally to do all such other acts, matters and things, as by this act and by the by-laws and regulations of the company they are authorized to do.

SECTION 8. The president and managers first chosen, shall Certificates procure certificates or evidence of stock for all the shares of stock. of the said company, and shall deliver one such certificate, signed by the president and countersigned by the treasurer, and sealed with the common seal of the said corporation, to each person, for every such share or shares by him subscribed and held, which certificate or evidence of stock shall be transferrable at his pleasure, in person or by attorney, duly Transfer'ble. authorized, in the presence of the president or treasurer, each of whom shall keep a book for the purpose, subject however to all payments due or to become due thereon, and the assignee holding any certificate, having first caused the Rights of assign- assignment to be entered in a book of the company, to be signees. kept for the transfer of stock, shall be a member of the said corporation, and for every certificate assigned to him as aforesaid, shall be entitled to a share or shares, as is therein mentioned, of the capital stock, of all the estates and emoluments of the company incident to such share or shares, and to vote as aforesaid at the meetings thereof, and subject to all penalties and forfeitures, and of being sued for all the balances and penalty due or to become due on each share, as the original subscriber would have been.

Penalty on
delay in pay-
ing instal-
ments.

SECTION 9. If after thirty days notice in the public papers aforesaid, of the time and place appointed for the payment of any proportion or instalment of the said capital stock, in order to carry on the work, any stockholder shall neglect to pay such proportion or instalment; at the place appointed, for the space of thirty days after the time so appointed, every such stockholder or his assignee shall, in addition to the instalment so called for, pay at the rate of two per centum per month for the delay of such payments; and if the same and additional penalty shall remain unpaid for such space of time as that the accumulated penalty shall become equal to the sums before paid in part and on account of such shares, the same shall be forfeited to the said company, and may be sold to any person or persons willing to purchase, for such prices as can be obtained for the same; or in default of payment by any stockholder of any such instalment as aforesaid, the president and managers may, at their election, cause suit to be brought before an alderman or justice of the peace, or in any court having competent jurisdiction, for the recovery of the same, together with the penalty aforesaid: *Provided*, That no stockholder, whether original subscriber or assignee, shall be entitled to vote at any election, or at any general or special meeting of the said company, on whose share or shares any instalment or arrearages may be due and payable more than thirty days previously to the said election or meeting.

Proviso.

Bonds of
treasurer and
other officers.

SECTION 10. The president and managers of the said company shall demand and require of and from the treasurer, and all and every other, the officers and other persons by them employed, bond, in sufficient penalties, and with such securities as they shall by their rules, orders and regulations require, for the faithful discharge of the several duties and trusts to them or any of them respectively committed.

Declaration
of dividends.

SECTION 11. Dividends of so much of the profits of the institution as shall appear advisable to the managers, shall be declared at least twice a year in every year, and paid to the stockholders on demand, at any time after the expiration of ten days therefrom, but they shall in no case exceed the amount of nett profits actually acquired by the company, so that the capital shall never be thereby impaired; if the said directors shall make any dividend which shall impair the capital stock of said institution, the managers consenting thereto shall be liable in their individual capacities to said company for the amount of the stock so divided, and each manager present when such dividend shall be made, shall be adjudged to be consenting thereto, unless he forthwith enter his protest on the minutes of the board, and give public notice to the stockholders at the declaring such dividend: *Provided*, That the president and

Not to impair
capital stock.

Proviso.

managers of the aforesaid company shall annually, on the first Monday of December, transmit to the Auditor General a full statement of their affairs, under oath, and shall pay annually into the treasury of the commonwealth, a tax of eight per cent. on all dividends which may exceed six per cent. on the capital stock actually paid in: *Provided*, No 2d *Proviso*. such dividend shall exceed fifteen per cent. per annum, nor shall the contingent fund of the company at any time exceed one fourth of their capital stock.

SECTION 12. When actual operations shall have com- Annual state-
menced, and at the end of every year thereafter, there shall ment to be
be furnished to the legislature an abstract of the accounts of made to le-
the company, showing the whole amount of their capital gislature.
actually paid into the funds of the company, the sums
expended, the tolls and their profits accruing within the
year, and the amount of dividends declared in each year, or
the losses sustained, as the case may be, which abstract shall
be verified by the oath or affirmation of the president of the
company for the time being.

SECTION 13. The president, managers and company of Location of
the said railroad company, shall have power to survey, lay road.
down, ascertain, mark and fix such route as they shall deem
expedient for a double or single railroad, beginning at New
Holland, and terminating at the best and nearest point on
the Philadelphia and Columbia railroad, having due regard
to the situation or nature of the ground, and of the buildings
thereon, the public convenience, and the interest of the
stockholders, and so as to do the least damage to private
property; and the said road shall not pass through any Not to pass
burying ground nor place of public worship, nor any dwelling through any
house, without the consent of the owner thereof, nor shall burying
it pass through any out building of the value of three hund- ground or
red dollars without such consent; and the said president, place of wor-
ship.
managers and company shall, within six months after ascer-
taining the route of the said railroad, cause an accurate
survey of the lines of the said road to be made, a map or Map or plot
plot of which survey they shall cause to be filed in the to be filed in
Secretary's office of this state, which map or plot, or a certi- Secretary's
fied copy thereof, shall be sufficient evidence of the course office.
of said road, which may then be opened, and all the
expense incurred thereby shall be defrayed by said com-
pany: *Provided*, That the point of connection, and the
manner of forming the same with the Columbia and Phila- *Proviso*.
delphia railroad, shall be designated by the Canal Commis-
sioners, and made in conformity with their instructions.

SECTION 14. It shall be lawful for the president, managers Right of en-
and company of the said railroad company, and their agents, try on lands
and all persons employed by or under them for the purposes to make road
contemplated in this act, to enter upon any land which they and take ma-
shall deem necessary for laying out said road, and also for the terials.

Compensation to be made.

purpose of searching for stone, sand or gravel for constructing said road, but no stone, sand, or gravel, shall be taken away from any land without the consent of the owner thereof, until compensation for the same be ascertained and paid, which compensation, if the parties cannot agree thereon, shall be ascertained in the manner hereinafter prescribed, as to the compensation for lands over which the said road may be laid.

May purchase lands, &c.

SECTION 15. It shall and may be lawful for the company hereby incorporated, to make, erect and establish a single or double track railroad, on the route laid out as aforesaid, and they are also hereby empowered to make and establish all works, edifices and devices to such railroad as may be deemed expedient for the purpose of carrying into effect the objects of their incorporation, and also to contract and agree with the owner or owners for the purchase of any lands or tenements which may be necessary for the purpose of erecting the said railroad.

Lateral railroads.—By whom made.

SECTION 16. The said company shall not prevent any person or persons, being the owner or owners of land bordering on said railroad, or adjacent thereto, from making such lateral railroads, and to connect them with the said railroad, from their said lands, as the said person or persons may conceive necessary.

Six persons to be appointed to estimate damages.

SECTION 17. Whenever it shall be necessary for the president, managers and company of the said railroad company to enter in and upon, and occupy, for the purpose of making said railroad, any land upon which the same may be located, if the owner or owners of the said land shall refuse to permit such entry and occupation, and the parties cannot agree upon the compensation to be made for any injury, or supposed injury that may be done to such land, by such entry and such occupation, it shall and may be lawful for the parties to appoint six suitable and disinterested persons to estimate such damage, a majority of whom shall view the premises, and be under oath or affirmation, fairly and impartially to estimate the same, and shall reside within the proper county where the land lies, and the expense incurred by the said appraisers, shall be defrayed by the said railroad

When parties cannot agree

company; but if the parties cannot agree upon such persons, or if the persons so chosen shall not decide upon the matter, or if the owner of such land shall refuse or neglect to join in such appointment, within twenty days after requisition for that purpose upon him made, or if such owner shall be feme covert, under age, non compos mentis, or out of the state, then it shall be lawful for the court of Common Pleas of the county in which the land lies, on application of either party, and at the cost and charges of said corporation, to appoint six disinterested persons of said county to view, examine and survey the said lands, tenements or heredita-

C't. of Common Pleas to appoint.

ments, and estimate the injury or damage, if any in their apprehension will be sustained, as aforesaid, by reason of said railroad, and report the same, under their oaths or affirmations, to the said court, which report being confirmed by the said court, judgment shall be entered thereon, and the said viewers shall be entitled to the like fees for their services as are allowed by law to viewers of public roads and highways, to be paid by said company; and it shall be the duty of the appraisers in estimating such injury or damage, to take into consideration the advantage that will be derived to the owner or owners of the said lands from the said railroad: *Provided*, That either party may appeal to the court within thirty days after such report may have been filed in the prothonotary's office of the proper county, in the same manner as appeals are allowed in other cases, and upon the coming in of such report or inquisition, and the confirmation thereof, upon final judgment on appeal therefrom, and the said company paying to such owners the sums in such report or judgment specified, in full compensation for said lands, or for the injury sustained as aforesaid, the said company shall become seized of the same estate in the said lands which the owner held in the same, and they, and all who act under them, shall be acquitted and freed from all responsibility for and on account of such injury: *Provided*, That upon payment, or tender of payment, by the said company, of the sum specified in the report of the said viewers or appraisers, to the owner of the said land, the said president and managers, their agents or contractors for making or repairing the said road, may immediately take and use the same, without awaiting the issue of proceeding, as herein before prescribed.

Fees allowed
appraisers.

Proviso.

2d Proviso.

SECTION 18. The said railroad shall be so constructed by the said company as not to obstruct or impede the free use and passage of any public road or roads which may cross or enter at the same, now being laid out or hereafter to be laid out, and in all places where the said railroad may cross, or in any way interfere with any public road, it shall be the duty of the said company to make, or cause to be made, a sufficient causeway or causeways, to enable all persons passing or traveling such public road to cross and pass over the said railroad, which causeway or causeways shall be made and maintained by the said company, and the sufficiency of the same shall be judged of by the supervisor or supervisors of the proper township, at the expense of the said company; and if the said company shall refuse or neglect to make such causeway or causeways, or when made to keep the same in good repair, they shall be liable to pay a penalty of five dollars for every time the same shall be so neglected or refused to be made or repaired, to be recovered by the supervisor of the township, with costs, for the use of the township.

Railroad not
to obstruct
the passage
of other roads
&c.

Causeways
to be made.

Penalty for
neglect.

Process may
be served on
any agent.

as debts of the like amount are by law recoverable, and shall moreover, be liable to an action or actions, at the suit of any person who may be aggrieved thereby; and the service of process upon any officer or agent of such company, shall be as good and as available in law as if served upon the president thereof.

Private
causeways
to be made.

SECTION 19. For the accommodation of all persons owning or possessing land through which the said railroad may or shall pass, and to prevent inconvenience to such person in crossing and passing over the same, it shall be the duty of the said company, when required, to make or cause to be made, a good and sufficient causeway or causeways, wherever the same may be necessary, to enable the occupant or occupants of said lands to cross or pass over the same with wagons, carts and implements of husbandry, as occasion may require: *Provided*, That the said company shall in

Proviso.

no case be required to make, or cause to be made, more than one such causeway through each plantation or lot of land, for the accommodation of any one person owning or possessing land through which the said railroad may or shall pass, and the said causeway, when so made, shall be maintained and kept in repair by the said company, and if the said company shall refuse or neglect to make such causeway or causeways, or when made to keep the same in good repair, the said company shall be liable to pay any person aggrieved thereby all damages sustained by such person in consequence of such refusal or neglect, to be sued for and recovered before any magistrate or court having cognizance thereof, and the service of process upon any officer or agent of said company, shall be as good and available in law as if served upon the president thereof: *Provided further*, That nothing in this act contained shall prevent the owner of any land through which the said railroad may pass, from erecting or constructing a causeway at any point on his own land which he may prefer, so as not to interfere with or obstruct the traveling or transportation on said road.

Penalty for
neglect to
keep in
repair.

2d Proviso.

Suits must be
commenced
within 12
months.

SECTION 20. No suit or action shall be brought or prosecuted by any person or persons, for any penalties incurred under this act, unless such suit or action shall be commenced within six months next after the offence shall have been committed, or the cause of action shall have accrued, and the defendant or defendants in such suit or action may plead the general issue, and give this act and the special matter in evidence, and that the same was done in pursuance and by authority of this act.

SECTION 21. On the completion of the said railroad, or any portion of one track not less than five miles, the same shall be esteemed a public highway, for the conveyance of

passengers, merchandise and commodities, under such regulations as shall be prescribed by the managers; and it shall be lawful for the said company to demand and receive such sum or sums of money for tolls of persons and property, as they shall from time to time think reasonable: *When five miles are completed comp'y may take tolls.*
Provided, That the toll on any species of property shall not exceed four cents per ton per mile, and upon passengers more than three cents each per mile; and it shall be further lawful, for the president and managers of the company to prescribe the kind of carriages, wagons and conveyances which shall be used on the said railroad, for the transportation of persons and commodities, and to adopt such regulations as to the transit of wagons and carriages on the said road, as may seem to them most conducive to the interests of the public, and of persons using the same. *Rates of toll. President & managers to regulate travelling and transportation on railroad.*

SECTION 22. If any owner or driver of any car, carriage, wagon or conveyance upon the said rail road, shall pass by any place appointed for receiving tolls without making payment thereof, with intent to defraud the said company, he, she or they so offending, shall forfeit and pay for every such offence, for the use of said company, the sum of twenty dollars, to be sued for and recovered by action of debt, before any justice of the peace, in like manner, and subject to the same rules and regulations, as debts under one hundred dollars may be sued for and recovered, with costs of suit. *Penalty for attempt to defraud the company.*

SECTION 23. If any person or persons shall wilfully and knowingly break, injure or destroy the railroad, or any part thereof, or any work, edifice or device, or any part thereof, to be erected by the said company in pursuance of this act, he, she or they shall forfeit and pay to the said company the actual damages so sustained, to be sued for and recovered with costs of suit, in any court having cognizance thereof, by action of debt, in the name and for the use of the said company, and shall be subject to indictment in the court of Quarter Sessions of the proper county, and upon conviction of such offence, shall be punished by fine and imprisonment, at the discretion of the court. *Penalty for injuring railroad, &c.*

SECTION 24. If the said corporation shall not carry into effect the object of this charter within the time of seven years from the passing of this act, or if after the completion of the said railroad, the said corporation shall suffer the same to go to decay, and be impassable for the term of two years, then this charter shall become null and void, except so far as compels said company to make reparation for damages. *Objects of charter to be carried into effect within seven years.*

SECTION 25. If an increase of the capital stock be deemed necessary by the stockholders to complete the said railroad, it may be lawful for the said president, managers and company, at a stated or special meeting convened for the

May increase purpose, to increase the number of shares, so that the capital stock of said company shall not exceed one hundred and not to exceed fifty thousand dollars, and to receive and demand the monies \$150.000.

for shares so subscribed, in like manner, and under like penalties, as are hereinbefore provided for the original subscription, or as shall be provided for by their by-laws.

Legislature may resume the privileges granted.

May purchase the right of the company after 30 years.

SECTION 26. If said company shall at any time misuse or abuse any of the privileges hereby granted, the legislature may resume all and singular, the rights and privileges hereby granted to said company; the legislature also reserves the right to purchase the right of said company and the railroad, with its appurtenances, at any time after thirty years from the passage of this act, by paying to said company a sum of money which, together with the tolls received, shall equal the costs and expenses of said railroad, with an interest of eight per centum per annum thereon.

NER MIDDLESWARTH,

Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,

Speaker of the Senate.

APPROVED—The first day of April, A. D. eighteen hundred and thirty-six.

JOS: RITNER

No. 148.

An Act

Authorizing the Governor to incorporate the Catawissa and Towanda Railroad company, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That William M. Kelvey, John Barton, David Petriken, Peter Baldy, Joseph Paxon, Ezra Hayhurst, Stephen Baldy, Iram Derr, James C. Sproul, John Fruit,*

Caleb Thomas, Isaac Kline, John Crawford, junior, Andrew Ikler, Daniel Gross, Daniel Snyder, John Koons, John R. Dean, Jarius Harrison, G. M. Hollenback, Ralph Peters, Thomas Patterson, Chester Butler, Elisha S. Goodrich, Robert M. Curdy, William S. Evans, Clements C. Rickert, E. G. Ricket, E. R. Utter, Morris Spalding, Eliphalet Mason, Russel Fowler, Matthew M. Dowell, John Robbins, George Tracy, Hiram Mix, and E. W. Bard, be and they are hereby appointed commissioners to do and perform the several things hereinafter mentioned, that is to say: they, or any three of them, shall procure a sufficient number of suitable books, and in each of them enter as follows, viz: "We and each of us whose names are hereunto subscribed, do promise to pay to the directors of the Catawissa and Towanda railroad company, the sum of fifty dollars for every share of stock set opposite to our respective names, and by us respectively subscribed, in such manner and proportions, and at such times and places as shall be determined and directed by the said directors, in pursuance of an act entitled 'An act authorizing the Governor to incorporate the Catawissa and Towanda railroad company;' Witness our hands, the day of , Anno Domini one thousand eight hundred and thirty- ;" and shall thereupon give at least twenty days previous public notice, in two of the daily papers printed in the city of Philadelphia, and in one paper printed in each of the counties of Columbia, Luzerne and Bradford, of the times when and the places where some one or more of the aforesaid commissioners will attend, and receive subscriptions from all persons of lawful age who shall offer to subscribe in said books, which shall be kept open for the purpose aforesaid, at least six hours in every juridical day, for the space of three days, or until there shall be subscribed in the said books sixteen thousand shares; and if at the expiration of three days, the books aforesaid shall not have the number of shares aforesaid therein subscribed, then the said commissioners, at their discretion, may adjourn from time to time, and transfer the books elsewhere, until the whole number of shares aforesaid shall be subscribed, of which adjournment and transfer, the commissioners aforesaid shall give such public notice as the occasion may seem to require, but no subscriptions shall be valid, unless the persons so subscribing shall pay to the said commissioners at the time of making the same, the sum of five dollars on each share, for the use of the company.

SECTION 2. When two thousand shares or more shall be actually subscribed, and five dollars on each share paid to said commissioners, the said commissioners, or a majority of them, shall certify the same, under oath or affirmation, to the Governor of this commonwealth, and on the receipt of such certificate, the Governor shall, by letters patent, under

Who may
subscribe.

16,000 shares

\$5 to be paid
on each share

his hand and the seal of the commonwealth, create and erect the subscribers, and if the subscription be not full at the time, then those also who shall thereafter subscribe to the whole number of shares aforesaid, into a body corporate and politic, in deed and in law, by the name, style and title of

Style & title, "The Catawissa and Towanda railroad company;" and by the same name the subscribers shall have perpetual succession, and all the privileges, franchises and immunities incident to a corporation, may sue and be sued, implead and be impleaded, in all courts of record and elsewhere, may purchase, receive, have, hold and enjoy, to them, their successors and assigns, lands, tenements and hereditaments, goods, chattles, and all estates, real, personal or mixed, of what kind or quality soever, and the same from time to time may sell, mortgage, grant, alien and dispose of, and make dividends of such portions of the profits as they may deem proper, and also may make and have a common seal, and the same alter or renew at pleasure, and generally to do all and singular, the matters and things which to them it shall lawfully appertain to do for the well being of the said corporation, and the due management and ordering of the affairs and business of the same: *Provided*, That nothing herein contained shall be so considered and construed as giving to the said corporation any banking privileges, or any other liberties, privileges or franchises, but such as may be necessary or incident to the making and maintaining the said railroad, and to the conveyance of passengers, and the transportation of goods, merchandise and commodities thereon.

Privileges & liabilities.

Seal.

Proviso.

Portions of act of 4th April, 1833, made a part of this act.

Section 3. The third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, nineteenth, twentieth, twenty-first, twenty-second, twenty-fourth and twenty-fifth sections of the act passed the fourth day of April, one thousand eight hundred and thirty-three, entitled "An act to authorize the Governor to incorporate the Philadelphia and Reading railroad company," be and the same are hereby made part of this act, as if the same were enacted in this act section by section: *Provided*, That the mode of ascertaining damages provided for in the twelfth section, shall be made in the county where the same occur.

Proviso.

President and manag'rs to make annual statement.

Section 4. That the president and managers of the aforesaid company shall annually, on the first Monday in December, transmit to the Auditor General a full statement of their affairs, under oath, and shall pay annually into the state treasury, a tax of eight per cent. on all dividends which may exceed six per cent. on the capital stock paid in.

Location of road.

Section 5. The said company be and they are hereby authorized, as soon as they conveniently can, to locate and construct a railroad, of one or more tracks, from a suitable

point in the village of Catawissa, in the county of Columbia, via Fishing creek and Little Pine creek, in the counties of Columbia and Luzerne, to the borough of Towanda, in Bradford county, and to make, construct and erect a sufficient number of toll houses for the convenience of the said company in the use of the said railroad.

SECTION 6. The legislature reserves the right of purchasing all the right of said company in the said railroad, with its appurtenances, at any time after the expiration of twenty-five years from the passage of this act, by paying to said company a sum of money which, together with the tolls received, will be equal to the amount expended by said company in constructing and keeping in repair said road, together with interest thereon, at eight per cent. per annum.

SECTION 7. That the president and managers of the company for erecting a bridge over the river Susquehanna, at the falls of Nescopeck, may and are hereby authorized to increase the capital stock of said company, for the purpose of rebuilding said bridge, in an amount not exceeding thirty thousand dollars, in shares of fifty dollars each, and that all the provisions and privileges of the act entitled "An act to authorize the Governor of this commonwealth to incorporate a company for erecting a bridge over the river Susquehanna, at the falls of Nescopeck, in the county of Luzerne," passed the ninth day of April, eighteen hundred and seven, are hereby extended to said company, for the purpose of rebuilding said bridge.

SECTION 8. Said company are hereby authorized to appropriate the present funds of said company for the purpose of rebuilding said bridge, provided the present stockholders or a majority of them, consent thereto; and said company may notify said stockholders by a publication in the United States Gazette, printed in the city of Philadelphia, and in the Berwick Gazette, printed at Berwick, in Columbia county, for thirty days, that said funds will be so applied, unless withdrawn within sixty days from date of such publication, and their neglect to withdraw said funds within the time specified, shall be deemed and taken as consent on the part of said stockholders that said funds may be so applied by said company.

SECTION 9. The Governor of this commonwealth is hereby authorized and required to subscribe on behalf of the commonwealth, two hundred shares, of fifty dollars each, to be paid said company by warrants, drawn by him on the Treasurer of this commonwealth: *Provided*, That satisfactory evidence shall first have been received by the Governor, that the president and managers of said company have received subscriptions to be applied to the rebuilding said bridge, amounting to the sum of twenty thousand dollars, including

any balance of original stock which may remain in the hands of said company, not withdrawn by the present stockholders.

President or treasurer to make statement to Auditor General.

SECTION 10. That said company is required to furnish to the Auditor General a statement, under oath, of the president or treasurer of said company, of the cost of building said bridge, and all dividends to be declared by said company hereafter, shall be made upon the amount which the bridge constructed under the provisions of this act, shall cost.

The Little Schuylkill and Susquehanna co. authorized to extend railroad.

SECTION 11. The Little Schuylkill and Susquehanna railroad company, be and they are hereby authorized and empowered to extend their railroad from the connection thereof with the Susquehanna river, along the valley of Fishing creek, into the county of Columbia, to Millville; thence by the nearest and best route to the town of Williamsport, in the county of Lycoming, subject to all the powers and restrictions contained in the act entitled "An act to incorporate the Little Schuylkill and Susquehanna Railroad company," passed the twenty-first day of March, one thousand eight hundred and thirty-one, and the several supplements thereto: *Provided*, The said company shall commence the said work within two years from the passage of this act.

Proviso.

May increase capital stock.

SECTION 12. It shall be lawful for said company to further increase their capital stock in the sum of four hundred thousand dollars, in shares of fifty dollars, under the provisions of the first section of the act authorizing the incorporation of said company.

Commonwealth to pay expense of opening street from State Capitol to canal.

SECTION 13. That the charges, expenses and damages which shall accrue from the opening of a street from the state capitol to the canal, as authorized by a resolution of the general assembly, approved the fourteenth day of April, one thousand eight hundred and thirty-five, shall and the same are hereby directed to be paid out of any monies not otherwise appropriated in the treasury of the state: *Provided*, That the damages shall be ascertained by the appraisers of canal damages, as canal damages are now by law ascertained, who shall take into view the advantages which the persons who apply for damages shall have derived from the opening of the street, and the construction of the public works.

Proviso.

Governor to subscribe \$5,000 to Milesboro' and Smithport rail'd co Canal Comm'rs to construct emb'ts at Chenango bridge.

SECTION 14. That the Governor be and he is hereby authorized and required to subscribe, on the part of the commonwealth, five thousand dollars, in shares of twenty-five dollars each, to the Milesborough and Smethport township road company, and to be paid when the road is completed and licensed by the Governor. That the board of Canal Commissioners of Pennsylvania be, and they are hereby authorized, to expend any sum not exceeding one thousand dollars, in the construction of embankments at both ends of the Chenango bridge, at the town of New Castle, Mercer

ounty, to be paid out of the fund provided for repairs, for the year eighteen hundred and thirty-six, to be drawn and accounted for in the usual manner.

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The first day of April, Anno Domini, eighteen hundred and thirty-six.

JOS: RITNER.

No. 149.

An Act

To incorporate a company to make a railroad through the unincorporated district of Northern Liberties, in the county of Philadelphia, from the village of Richmond, on the Delaware river, to terminate at a junction with the Columbia and Philadelphia railroad, to be called "The Richmond Railroad company."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That John R. Coates, Peter M'Call, Commissioners, Alexander L. Hodgedon, Richard R. Spain, Isaac W. Norris, Abraham P. Eyre, Griffith Evans, Benjamin Jones, Joel Cook, Robert Howell, David Winebrenner, Charles Robb, Isaac H. White, John Thomason, George W. Jones, John Lentz, Francis M'Bride, William Moore, Thomas M. Remington, James M'Closkey, Samuel Moore, Robert M'Clatchey, James Gregory, Robert M'Afee, Robert W. Smith, James Smith, Hugh Catherwood, John W. Ashmead, John Ligget, Alexander Robb, John Johnston, James Campbell, Anthony Campbell, Alexander M'Causlin, Frederick W. Muller, Charles Engle, Charles Watters, George Peterman, George W. Smith, Charles Brook, Ner Middleswarth, John H. Walker, Howel Hopkins, Thomas Fletcher, Ignatius F. Donogh, Benjamin Smith, S. H. Carpenter, John Rheiner,

Form of sub-
scription.

Five dollars
payable on
each share.

Proviso.

Number of
shares one
person may
take.

jr., John Gest, Francis Parke, Joseph G. Park, John Park, John Hubbert, C. Dillman, Joseph Baker, T. M. Logan, John Baird, Isaac Abraham, William Fidler, William M. Ferran, Franklin Eyre, J. Wainwright, John Ristine, John C. Da Costa, John Peirce, John T. Smith, Jonathan K. Hassinger, Thomas Lewellen, Daniel S. Hassinger, Rudolph K. Hurley, Joseph Wood, Thomas Helvesine, James M. Comly, Samuel D. Harper, Joseph A. Davidson, John Foulkrod, William O. Kline, Augustus P. Fougeray, of the city and county of Philadelphia, or any of them, be and they are hereby appointed commissioners to do and perform the several things hereinafter mentioned, that is to say: they shall, on or before the last Monday of June next, procure a book, which shall be opened at some convenient place in the unincorporated district of Northern Liberties, in which they shall enter as follows: "We whose names are hereunto subscribed, do promise to pay to the treasurer of the Richmond railroad company, the sum of fifty dollars for every share of stock set opposite our respective names, in such manner and proportions, and at such times as shall be determined on by the board of managers, in pursuance of an act of the general assembly of this commonwealth, entitled 'An act to incorporate the Richmond railroad company;' Witness our hands, this day of , in the year of our Lord eighteen hundred and thirty-six;" and shall thereupon give notice, in two newspapers printed in the city of Philadelphia, three weeks at least, of the times and places when and where said books shall be kept open to receive subscription for the stock of the said company, at which respective times and places one or more of the commissioners shall attend, and permit all persons of lawful age, citizens of this or any other of the United States, who shall offer to subscribe in the said book, in their own name, or in the name of any other person who shall authorize the same, for any number of shares in the said stock, upon paying respectively to such commissioner or commissioners, five dollars as an instalment, on each share of stock so to be subscribed, and the said book shall be kept open for the purpose aforesaid, at least six hours in every juridical day, for the space of six days, until the whole number of shares shall have been taken: *Provided*, That no person shall be permitted to subscribe on the first of said days, more than two shares of stock, either in his own name or others, nor in like manner, on the second more than five shares, on the third more than ten shares, on the fourth more than twenty shares, and if at the expiration of said six days, the said stock shall not have been all subscribed for as aforesaid, the said commissioners may adjourn from time to time, and transfer said books elsewhere, until the whole stock be subscribed for, by any person or persons.

SECTION 2. When five hundred shares or more of the said stock shall be subscribed, and the sum of five dollars paid on each share, the commissioners, or a majority of them, may certify to the Governor, under their hands and seals, the names of the subscribers, and the number of shares subscribed, and the sum of money paid thereon by each, whereupon the Governor shall, by letters patent, under his hand and the seal of the commonwealth, create and erect the subscribers, and if the subscription be not full at the time, then also those who shall thereafter subscribe to the number of shares as aforesaid, into a body politic and corporate, in deed and in law, by the name, style and title of "The Richmond railroad company," and by the same name the subscribers shall have perpetual succession, and be able to sue and be sued, implead and be impleaded, in all courts of record and elsewhere, and to purchase, receive, have, hold and enjoy, to them and their successors, lands, tenements and hereditaments, goods, chattels, and all estates, real, personal or mixed, of what kind or quality soever, and the same from time to time to sell, mortgage, grant, alien or dispose of, and to make dividends of such portions of the profits as they may deem proper, and also to make and have a common seal, and the same to alter or renew at pleasure, and also to ordain, establish and put in execution such laws, ordinances and regulations, as shall appear necessary and convenient for the government of said corporation, not being contrary to the constitution and laws of the United States or of this commonwealth, and generally to do all and singular, the matters and things which to them it shall lawfully appertain to do for the well being of the said corporation, and the due management and ordering the affairs of the same: *Provided*, That nothing herein contained shall be considered as in any way giving to the said corporation any banking privileges whatever, or any other liberties, privileges or franchises, but such as may be necessary or incident to the making and maintaining of the said railroad, and to the conveyance of passengers, and the storing and transportation of goods, merchandise and commodities: *Provided further*, That no locomotive or steam engine shall be used on said road: *Provided*, That the said company may charge six cents per ton per mile for transporting goods and merchandise on said road, and three cents for each passenger.

SECTION 3. Every person offering to subscribe in the said book, in his own name, or in that of any other, shall previously pay to the attending commissioners the sum of five dollars for every share so to be subscribed, and also, where he subscribes in the name of another, deposit with the attending commissioners his power to do so, which said commissioners shall, out of said five dollars each, to defray the expenses attending the taking such subscriptions, and

When letters patent may issue.

Privileges & liabilities.

By laws, &c.

Provide.

2d Provide.

Five dollars to be paid on each share, out of which expenses to be paid.

- Balance to be paid treasurer. other incidental charges, and pay the remainder over to the treasury of the said company, as soon as the same shall be organized and the officers chosen, as herein mentioned:
- Proviso. *Provided*, That in case of the death or refusal of any or all of the said commissioners to perform the duties by this act required of them, the court of Common Pleas of Philadelphia county may, on application to them made for that purpose, appoint other commissioners to supply such vacancy or vacancies: *Provided*, A majority survive, and are willing to act, they may execute the duties enjoined on them in like manner as if the whole had acted.
- Vacancies. 2d Proviso.
- Certain sections in the act to incorporate the Philad'a. and Reading rail-road co. made a part of this act. SECTION 4. The third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, nineteenth, twentieth, twenty-first, twenty-second, twenty-fourth, and twenty-fifth sections of the act passed the fourth day of April, eighteen hundred and thirty-three, entitled "An act to authorize the Governor to incorporate the Philadelphia and Reading rail-road company," be and the same are hereby made a part of this act, as fully and effectually as if the same had been enacted section by section: *Provided*, That the mode of ascertaining damages provided for in the aforesaid twelfth section, shall be made in the county where they occur: *And provided also*, That the president and managers of the first aforesaid company, shall annually, on the first Monday in December in each year, transmit to the Auditor General full statement, under oath, of their affairs, and shall pay annually into the treasury of this commonwealth, a tax of eight per cent. on all dividends which may exceed six per cent. on the capital stock paid in.
- Proviso. 2d Proviso.
- Right of entering upon contiguous land. SECTION 5. The president and managers, and their agents, and all persons employed by or under them for the purposes contemplated by this act, may enter upon any land which they may deem necessary for laying out said road, and for searching for stone, sand, gravel, or wood, for constructing said road, and shall have power to lay down, ascertain, mark and fix such route as they shall deem expedient for said road.
- Route of rail-road. beginning at or about the intersection of Ann street and Bank street, at the northwest side of the said Bank street, in the village of Richmond, on Delaware river, in the unincorporated district of Northern Liberties, thence extending along and upon the said Ann street, or near the same, as the said president and managers shall deem expedient, to and across the road of the Philadelphia and Trenton railroad company, with full power and authority of the said president and managers to extend their said [road] from thence to and across the railroad of the Philadelphia, Germantown, and Norristown railroad company, and thence to the Pennsylvania road, leading from Philadelphia to Columbia, at such points as they may deem expedient, if at any time hereafter

they should think it advisable so to do, having at all times due regard to the nature or situation of the ground, and of the buildings thereon, the public convenience, and interest of the stockholders, so as to do the least damage to private property; and the said president and managers shall, within six months after ascertaining the route of the said railroad, cause an accurate survey of the lines of the said railroad to be made, and cause a map or plot of such survey to be filed in the Secretary's office of this state, which map or plot, or a certified copy thereof, shall be sufficient evidence of the course of said railroad; and all expenses incurred thereby shall be defrayed by the said company. Draft of location to be filed in the Secretary's office.

SECTION 6. The capital stock of the said company shall consist of not more than two thousand shares, at fifty dollars per share, but if an increase of capital stock be deemed necessary by the stockholders to extend or complete their said road, it may be lawful for the said stockholders, convened for the purpose, to increase the number of shares, so that the capital of said company shall not exceed two hundred thousand dollars, and to authorize the said company to take subscriptions for shares accordingly, and to receive and demand the money in like manner, and under like penalties as are hereinbefore provided for the original subscription, or shall be provided for by their by-laws. Capital stock may be increased.

SECTION 7. The legislature reserves the right to reduce and regulate the tolls authorized by this act, and reserves the right to purchase said road, with its appurtenances, at any time after twenty years from the passage of this act, by paying to said company a sum of money which, together with the tolls received, shall equal the cost and expenses of said railroad, with an interest of eight per centum per annum thereon. Right to regulate the tolls and to purchase road reserved.

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The first day of April, A. D, eighteen hundred and thirty-six..

JOS: RITNER.

No. 150

An Act

For the relief of George Dannenhower, and other soldiers and widows of soldiers of the revolutionary war.

Gratuities & annuities to G. Dannenhower, and others.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the State Treasurer is hereby authorized and required to pay to George Dannenhower, William Fowe, of Philadelphia county, Daniel Washburn of Luzerne county, Joseph Campbell of Mercer county, and Barbara M'Gluire of Lancaster county, and John Shields of Armstrong county, Abraham Doeblor of Lebanon county, John Dolinger of Schuylkill county, Peter Schindle of Lancaster county, William Crawl, Jane Ewing, George Fink, and Elizabeth Stauch of York county, George High of Union county, Richard Steel of Mercer county, Nicholas Barrick of Perry county, Martin Longstreth of Bedford county, William Mullen and Nancy Singlewood of Philadelphia county, Anna Maria Keffer, of Northumberland county, Charles Williams and Sarah Woods of Allegheny county, Elizabeth Boyer of Berks county, Joseph Sweeny and Robert King of Lycoming county, George Yeager and George Grof of Dauphin county, Jacob Baer of Westmoreland county, Andrew Leibley of Lancaster county, Jacob Petry of Berks county, John Schmuck of York county, and Eliza Likens of Delaware county, soldiers and widows of soldiers of the revolutionary war, or to their respective orders, forty dollars each, immediately, as a gratuity, and an annuity of forty dollars each, during life, to commence on the first day of January, one thousand eight hundred and thirty-six.

Gratuity to Wm. Eaches and others.

SECTION 2. The State Treasurer is authorized and required to pay William Bennington of York county, William Eaches of Crawford county, Samuel Boyers of Mercer county, and Catharine Cliver of Berks county, a gratuity of forty dollars, in full for their revolutionary services; the foregoing gratuities and pensions to be paid in conformity with existing laws.

Gratuity and annuity to John Englebright and others.

SECTION 3. The State Treasurer be and he is authorized, to pay to Isaac Garretson, of the borough of York, or order, for the use of John Englebright, Benjamin Breneman, John P. Roche and Rebecca Williams, widow of Thomas Williams, a soldier of the revolution, of the city of Baltimore, forty dollars to each immediately, as a gratuity, and an annuity of forty dollars to each during life, to com-

mence on the first day of January, one thousand eight hundred and thirty-six; these gratuities and annuities to be paid in conformity to the existing laws, by the treasurer of York county.

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The first day of April, Anno Domini, one thousand eight hundred and thirty-six.

JOS: RITNER.



No. 151.

An Act

The Towanda and Franklin Railroad company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Elisha S. Goodrich, E. R. Utter, Arabel Gray, Thomas Elliot, Enos Tomkins, Lemuel S. Elsworth, Hiram Mix, David F. Barstow, Eliphalet Mason, Nehemiah Allen, William B. Spalding, Nathan Wilcox, William P. Spalding, Irad Wilson, David Durfey, Victor E. Piollett, Luman Kellogg, John N. Weston, Joseph C. Powell, Barton Kingsbury, Jesse Woodruff, be and they are hereby appointed commissioners to do and perform the several things hereinafter mentioned, that is to say: they, or any five of them, shall procure a sufficient number of suitable books, in each of which they shall enter as follows: “We whose names are hereunto subscribed, do promise to pay to the president and managers of the Towanda and Franklin railroad company, the sum of fifty dollars for every share of stock set opposite to our respective names, in such manner and proportions, and at such times as shall be determined by the president and managers of the said company, in pur-

Commissioners to open books.
Form of subscription.

suance of an act of the general assembly of this common-
 wealth, entitled 'An act to incorporate the Towanda and
 Franklin railroad company,' Witness our hands, this
 day of in the year of our Lord, one thousand eight
 hundred and ;" and shall thereupon give notice, in
 two newspapers printed in the county of Bradford, and one
 daily paper in the city of Philadelphia, three weeks at least,
 of the times and places when and where the said books shall
 be kept open to receive subscriptions for the stock of the
 said company, at which respective times and places one or
 more of the commissioners shall attend, and permit all
 persons of lawful age who shall offer to subscribe in the
 said books, in their own name, or the name of any other
 person who shall authorize the same, for any number of
 shares in the said stock, and the said books shall be kept
 open respectively for the purpose aforesaid, at least six
 hours in every juridical day, for the space of six days, or
 10,000 shares until there shall have been subscribed ten thousand shares;
 and if at the expiration of six days, the books aforesaid
 shall not have the number of shares aforesaid therein sub-
 scribed, the said commissioners may adjourn from time
 to time, and transfer the book or books elsewhere, until the
 whole number of ten thousand shares shall be subscribed, at
 which adjournment and transfer the commissioners aforesaid
 shall give such public notice as the occasion may require,
 and when the whole number of shares shall be subscribed,
 then the books shall be closed; but no subscription shall be
 §5 to be paid valid, unless the person so subscribing shall pay to the said
 on each share commissioners at the time of making the same, the sum of
 five dollars on each share, for the use of the company.
 Commis'srs. SECTION 2. If more than ten thousand shares shall be
 may reduce subscribed in the time specified in the first section, to the
 stock to 10,- capital stock of the said company, the said commissioners,
 000 shares. or a majority of them, shall reduce the subscription to ten
 thousand shares, by striking off from the largest number of
 shares in succession, until the subscription shall be reduced
 to ten thousand shares, or each of the subscriptions to one
 share; and if there shall be still an excess, then lots shall
 be drawn by the commissioners to determine who shall be
 excluded.
 When letters patent may issue. SECTION 3. When one thousand shares or more of the said
 stock shall be subscribed, and five dollars on each share
 paid to the commissioners, the said commissioners, or a
 majority of them, may certify the same, under oath or affir-
 mation, to the Governor, whereupon the Governor shall, by
 letters patent, under his hand and the seal of the common-
 wealth, create and erect the subscribers, and if the subscrip-
 tion be not full at the time, then also those who shall there-
 after subscribe to the number of shares as aforesaid, into a
 body politic and corporate, in deed and in law, by the name

style and title of the "Towanda and Franklin railroad com-Style & title.
pany," and by the same name the subscribers shall have
perpetual succession, and be able to sue and be sued,
implead and be impleaded, in all courts of record and else-Privileges
where, and to purchase, receive, have, hold and enjoy, to and liabilities
them and their successors, lands, tenements and heredita-
ments, goods, chattels and all estate, real, personal or
mixed, of what kind or quality soever, and the same from
time to time to sell, mortgage, grant, alien or dispose of, and
to make dividends of such portions of the profits as they
may deem proper, and also to make and have a common
seal, and the same to alter or renew at pleasure; and also Seal.
to ordain, establish, and put in execution such by-laws, By-laws.
ordinances and regulations, as shall appear necessary and
convenient for the government of the said corporation, not
being contrary to the constitution and laws of the United
States or of this commonwealth, and generally to do all and
singular, the matters and things which to them it shall law-
fully appertain to do for the well being of the said corpora-
tion, and the due management and ordering the affairs of the
same: *Provided*: That nothing herein contained shall be *Provide*:
considered as in any way giving to the said corporation any
banking privileges whatever, of any other liberties, privi-
leges or franchises, but such as may be necessary or incident
to the making and maintaining of the said railroad: *Provided*, 2d *Provide*:
That the said company shall at no time hold or possess any
land for any other purpose than the construction of the
said railroad, or for toll houses, depots, weigh houses, or
other necessary works.

SECTION 4. The third, fourth, fifth, sixth, seventh, eighth, Certain sec-
ninth, tenth, twelfth, thirteenth, fourteenth, fifteenth, six- tions of act
teenth, seventeenth, eighteenth, nineteenth, twentieth, twen- incorporating
ty-first, twenty-second, and twenty-fifth sections of the act Philad'a. and
passed the fourth day of April, one thousand eight hundred Reading rail-
and thirty-three, entitled "An act to authorize the Governor road, made a
to incorporate the Philadelphia and Reading railroad com- part of this
pany, be and the same are hereby made a part of this act, act.
as though the same were enacted herein section by section:
Provided, That the damages accruing in making said road, *Provide*:
shall be assessed in the county where they occur, and the
legislature reserves the right to intersect the said railroad
by means of lateral railroads, at any point or points thereof,
or to grant such right to any citizen or citizens of this
commonwealth, or to any company incorporated by any law
of this commonwealth.

SECTION 5. The president, managers and company of the Location of
said railroad company, shall have power to survey, lay down, road.
ascertain, mark and fix such route as they shall deem expe-
dient for a double or single railroad, beginning at the borough
of Towanda, in Bradford county, and to extend to the coast

May connect
with Wil-
liamsport and
Elmira rail-
road.

Map or plot
to be filed in
the Secreta-
ry's office.

May pur-
chase the ne-
cessary lands
etc.

Shall trans-
mit to Audi-
tor Gen'l. an
annual state-
ment.

\$2,000 ap-
propriated to
survey of
route for rail-
road from
Laughlins-
town to Pitts-
burg.

mines in Franklin township, in said county, and with the right to extend said road, or to construct lateral railroads therefrom, to such coal mines in said township, or its vicinity, as they may from time to time find expedient, and also with the right to extend the same so as to form a junction with the Williamsport and Elmira railroad, at such part thereof as they may find practicable, having due regard to the situation or nature of the ground, and of the buildings thereon, the public convenience and the interest of the stockholders, and so as to do the least damage to private property; and the said road shall not pass through any burying-ground nor place of public worship, nor any dwelling house, without the consent of the owner thereof, nor shall it pass through any out-building of the value of three hundred dollars without such consent; and the said president, managers and company shall, within six months after ascertaining the route of the said railroad, cause an accurate survey of the lines of the said road to be made, a map or plot of which survey they shall cause to be filed in the Secretary's office of this state, which map or plot, or a certified copy thereof, shall be sufficient evidence of the course of said road, which may then be opened, and all the expenses incurred thereby shall be defrayed by said company.

SECTION 6. It shall and may be lawful for the company hereby incorporated, to make, erect and establish a single or double track railroad, on the route laid out as aforesaid, and they are also hereby empowered to make and establish all works, edifices and devices to such railroad as may by the said company be deemed expedient, for the purposes of carrying into effect the objects of their incorporation, and also, to contract and agree with the owner or owners for the purchase of any lands or tenements which may be necessary for the purpose of erecting the said railroad.

SECTION 7. That the president and managers of the first aforesaid company shall annually, on the first Monday of December, in each year, transmit to the Auditor General, under oath, a full statement of their affairs, and shall pay annually into the treasury of this commonwealth, a tax of eight per centum on all dividends which may exceed six per cent. on the capital stock paid in.

SECTION 8. That it shall be the duty of the Canal Commissioners to cause to be made by a competent engineer, a survey and estimate, and report to the next legislature, of the practicability and importance of constructing a railroad from the base of Lamel Hill, at or near the village of Laughlinstown, in Westmoreland county, by way of Greensburg, or as near thereto as practicable, to the city of Pittsburgh, for which the sum of two thousand dollars is hereby specifically appropriated.

SECTION 9. The legislature reserves the right to reduce and

regulate the tolls authorized by this act, and reserves the right to purchase said road, with its appurtenances, at any time after twenty years from the passage of this act, by paying to said company a sum of money which, together with the tolls received, shall equal the cost and expenses of said railroad, with an interest of eight per centum per annum thereon.

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The second day of April, Anno Domini, one thousand eight hundred and thirty-six.

JOS: RITNER.



No. 152.

An Act

To incorporate the president and trustees of the Presque Isle Hospital at Erie, Pennsylvania, and to exempt from county and township taxation, the property of the contributors to the asylum for the relief of persons deprived of their reason, in the county of Philadelphia, and to incorporate the Southern Loan company of Philadelphia.

WHEREAS, a number of physicians, surgeons, and other citizens, have associated for the purpose of establishing a general hospital at Erie, in the commonwealth of Pennsylvania, and are desirous of becoming incorporated; Therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Chauncey Fitch Perkins, William Johns, Tabor Beebe, William M. Wallace, Rufus Hills, Jacob Vosburg, A. Beebe, William Kelley, Charles M. Reed, George A. Elliott, Thomas H. Sill, John Riddell, Robert Reid, Elijah Babbitt, George A. Lyon, Daniel Dobbins, Robert Cochran, Bennet Glover, Peter S. V. Hamot, James S. Clark, George Moore, George H. Kellogg and Henry L. Harvey, and their associates and successors, be and they are hereby created, constituted and declared to be a body corporate and politic, with perpetual succession, by the name and style of the president and trustees of the Presque Isle Hospital.

Hospital, at Erie, Pennsylvania, with the usual powers incident to such institutions in this state, and for the future, every vacancy in the corporation shall be filled up by election, by ballot, by a majority of the members present at a meeting, of which due and timely notice of such intended election has been given, and no person shall be elected to fill such vacancy at the same meeting at which he shall be nominated.

Officers.

SECTION 2. The officers of the corporation shall be a president, two vice-presidents, a secretary and treasurer, who shall hold their respective stations for one year, and until their successors are elected and qualified, and shall constitute the executive committee, with full power to execute all enactments of the corporation.

Manner of
conducting
elections.

SECTION 3. The following shall be fundamental laws of the corporation, to wit: all elections shall be viva voce, open and recorded by the secretary as the names of the members are called, in alphabetical order, and a majority, and not a plurality of votes, shall decide, and a majority of members present at any meeting of the corporation shall govern in all other cases; there shall be four quarterly meetings of the corporation, to wit: upon the first Mondays in January, April, July, and October in each year, with power to continue from time to time, if the business requires it; eight shall form a quorum to do business at any meeting, but a less number may adjourn from time to time.

May connect
with Hospital
a medical
school.

SECTION 4. The corporation shall have plenary power to establish and connect with the hospital a medical school, by the name of the Presque Isle medical college at Erie, Pennsylvania, the professors of which shall hold their respective stations during good behaviour, and have and exercise all and singular, the degrees, powers, privileges, and immunities which by statute, appertain to the trustees and professors of any other medical school in the state of Pennsylvania:

Privileges.

Proviso.

Provided, That the professors shall always be elected by the corporation, and shall have the use of the corporation seal:

2d Proviso.

And provided also, That should a vacancy occur in any professorship, or should any additions be made after the first election of professors, the faculty shall have the power of nominating to the corporation suitable persons to occupy the respective chairs, and no person shall be elected except upon such nomination.

May estab-
lish and con-
nect a medi-
cal society.

Proviso.

SECTION 5. The corporation may establish and connect with the college a medical society, by the name of the Presque Isle medical society at Erie, Pennsylvania, which shall have the powers usual to other medical societies in the state of Pennsylvania: *Provided*, That the members shall always be elected by the corporation, and shall have the use of the corporation seal.

SECTION 6. The corporation may establish and connect Lunatic Asylum with the college a lunatic asylum, and an asylum for the blind. and the blind, together with an Infirmary Asylum for deaf & dumb Dispensary, with the usual powers incident to such Infirmary & Dispensary. institutions in this state.

SECTION 7. The professors of the college shall be the physicians and surgeons of the Hospital, Infirmary and Asylums, Faculty of Medicine. and shall be called the Faculty of Medicine, with the powers incident to such institutions.

SECTION 8. The first meeting of the corporation shall be First meeting. Erie, Pennsylvania, upon the first Monday in July, Anno Domini one thousand eight hundred and thirty-six, and this shall continue in force for the term of twenty years, and longer.

SECTION 9. That the real estate now held Thomas Wistar, Property of John Wistar, Joseph Snowden, Thomas Bacon, Clayton Newbold, contributors to Asylum for relief of insane persons, exempted from tax. John Wistar, Thomas Evans, Thomas Kimber, Henry Cope, George Stewardson, Marmaduke C. Cope, Joseph Warrington and Blakely Sharpless, in trust for the contributors to the asylum for the relief of persons deprived of the use of their reason, situated in the township of Philadelphia, be and the same is hereby exempted from county, township, and poor taxes: *Provided*, That nothing herein contained shall be so construed as to effect any question of title.

SECTION 10. That John F Stump, Joseph Aikens, Charles Southern loan company of Philadelphia, Richard Peltz, and their associates, be incorporated under the name of the Southern Loan company of Philadelphia, with all the authority, and subject to all the provisions and restrictions contained in the act to incorporate the Philadelphia Loan company, approved the thirty-first day of March, one thousand eight hundred and thirty-six: *Provided*, That if the said company shall discount or deal in any way in any notes or personal securities, or receive deposits of money, or any thing but goods, wares, and merchandise, that the said charter hereby granted shall be null and void: *And provided* further, That the president and secretary of the said company shall annually, on the first Monday in December, Annual statement to Auditor General. submit to the Auditor General, under oath, a full statement of the affairs of said company, and shall pay annually to the treasury of the commonwealth, a tax of eight per centum on all dividends which may exceed six per centum on the capital stock actually paid in.

NER MIDDLESWARTH,

Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,

Speaker of the Senate.

APPROVED—The twenty-ninth day of April, A. D. one thousand eight hundred and thirty-six.

JOS: RITNER.

No. 153.

An Act**To incorporate the Kensington and Penntownship Railroad company.**

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Christopher Rex, George Day, George Landall, Ebenezer Cobb, Jesse Y. Castor, Anthony Davis, Elijah Tyson, Samuel Meads, Doctor Abraham Helfenstein, Arundias Tiers, William Boyd, William Graves, John Rambo, Thomas H. Craig, John Haines, Jacob Andress, John Culin, junior, John Fernon, Henry Remmay, junior, Doctor Isaac Kline, Michael Day, John Bakeoven, Jacob Tees, Jacob Collar, Charles Keen, Robert Peal, C. B. F. Oneil, James Wood, Hugh M'Laughlin, Leonard Steinmetz, John C. Gardy, Charles Doran, Jonathan Pickering, Doctor George Uhler, William M'Carter, John D. Harper, George W. Tryon, Hugh Scott, Adam Woelpper, Joseph Smith, C. B. E. Carpenter, A. M. Peltz, Philip Ricketts, Isaac Koons, George Reed, John G. Woolf, James M'Cormick, Robert T. Conrad, Doctor John A. Elkinton, W. L. Norton, Charles Elliott, John R. Walker, T. E. Kerrison, W. P. Smith, George Cadwalader, Bela Badger B. Duncan, Jacob Heyberger, Captain John Meany, James P. Smith, Nicholas Esling, Richard Cox, John D. Steever, D. M. Moore, John M. Ogden, Joseph Jackson, Thomas U. Walter, Jesse Williamson, Thomas L. Plowman, James M. Linnard, S. B. Linnard, W. J. Linnard, John F. Vanleer, Peter A. Keyser, John Thompson, John Gest, William O. Kline, Jacob Engleman, Peter Sieger, Marshall Sprogell, Lewis Allen, S. S. Pearson, S. Daniel Fitler, George Kane, Daniel Green, George G. West, Samuel Black, Joseph Baye, B. B. Hart, Simeon Dreyfous, George Rickards, N. C. Foster, M. N. Everly, George T. Chambers, Robert Coburn, Charles L. Devinney, Isaac Boileau, Peter A. Keyser, William Fry, Nathaniel C. Foster, H. Derringer, George Eretz, Adam Mentzer, junior, Howell Hopkins, John Foulkrod, Alexander Burden, Charles Provost, John Wister, junior, Benjamin F. Topham, Jacob Frick, Franklin Vansant, Reuben Myers, James Murray, William Green, Amos A. Jones, George Lineaweaver, John Krause, William H. Orr, Doctor R. M. Huston, Benjamin Kennedy, John Clark, Joseph Plankinton, Robert S. Trego, Isaac Garretson, John Hough, Jacob Kirk, junior, James M. Hart, Joseph R. Hart, Benjamin Smith, Joseph Paxon, Joel Evans, John Rheiner,

Samuel Bucher, William Rhiner, John Bender, David Charles, Commiss'rs.
 Thomas Pratt, Reese W. Flower, Daniel M. Broadhead,
 Miles N. Carpenter, Benjamin Kennedy, John Stoffelt, Stacy
 Barcroft, Charles Koons, John Thompson, George L. Fauss,
 George W. Hamersly, Joseph Williams, Lawrence L. Minor,
 James D. Clark, Alexander Miller, Thaddeus Stevens, Ner
 Middleswarth, John H. Ewing, John H. Walker, Henry M.
 Watts, Joshua F. Cox, Francis Park, Joseph G. Park, John
 Park, John W. Odenheimer, John Ligget, S. H. Carpenter,
 George L. Ashmead, Benjamin Stiles, Jacob F. Hœckley,
 John Taylor, Simon Cameron, Marshall Sprogell, John
 Nagle, Samuel Shoch, Jonathan K. Hassinger, Robert W.
 Harper, James M. Comley, M. Bomesler, Dr. Joseph L.
 Thomas, Daniel Thomas, General Samuel Castor, Daniel
 Bender, John M. Bockius, Joseph A. Davidson, William
 Rice, junior, Nathaniel A. Warwick, Christian Read, James
 Flannigan, Benjamin Crispin, Jonathan T. Knight, John
 Felton, Philip Bamed, Henry Reed, William A. Lee, Ben-
 jamin Hatchison, Abraham Okie, Joseph Yeager, Wm. G.
 Alexander, Robert Morris, William A. Martin, Joseph C.
 Burden, Benjamin T. Bioren, John Oakford, John Pearce,
 Thomas M'Cully, Saml. W. Dilworth, Richard Peltz,
 Thomas Lewellen, Jacob Shearer, junior, Augustus P. Fuge-
 rary, John R. Walker, Franklin Vansant, Richard Tichenor,
 John Wolbert, John B. Trevor, Peter Wager, John Stam,
 George Binder, Ellis Middleton, John Cumming, Warner
 Justice, Amos Ellis, George Gorgas, junior, James Clark,
 junior, Hanson Walter, Samuel Abbot, George Meckie, B.
 F. Hedges, Charles Coward, John Mitchel, John M. Ken-
 nedy, Samuel Magargee, W. S. Book, John Ross, William
 M'Farran, Thomas B. Patterson, George Dilks, Evan Fox,
 Robert Neal, Benjamin Stimble, Shreeve Ackley, John
 Longstreth, Nathan Ellis, Nathaniel Mercer, Thos. Rich-
 ards, Thos. H. Forsyth, John Smith, William Ettinger.
 John Newman, Richard Cumming, Joshua Coulter, Jos.
 Linard, Isaac Knight, Enoch Middleton, Edwin Middleton,
 Joseph Knight, Wm. Abbot, Anthony Mirkey, John Hubbert,
 C. Dillman, Joseph Baker, Thomas M. Logan, John Baird,
 Isaac Abrahams, William Fitler, William M'Ferran, Jona-
 than Wainwright, John Pristine, John A. Mirkey, John C.
 Da Costa, Isaac W. Norris, Thomas B. Patterson, Franklin
 Eyre, Benjamin Baker, Thomas Weaver, John A. Mirkey,
 Anthony Mirkey, Theodore Colladay, or any ten of them,
 be and they are hereby appointed commissioners to do and
 perform the several things hereinafter mentioned, that is to
 say: they shall, on or before the first day of June next, pro-
 cure a book, which shall be opened at the Commissioners'
 Hall in the district of Kensington, in the county of Phila-

- Philadelphia, in which said book they shall enter as follows:
- Form of subscription.** "We whose names are hereunto subscribed, do promise to pay to the president and managers of the Kensington and Penntownship Railroad company, the sum of fifty dollars for every share of stock set opposite our respective names, in such manner and proportions, and at such times as shall be determined by the president and managers of said company, in pursuance of an act of the general assembly of this commonwealth, entitled 'An act to authorize the Governor to incorporate the Kensington and Penntownship Railroad company,' Witness our hands, the day of , in the year of our Lord one thousand eight hundred and thirty ;" and shall thereupon give notice, in one newspaper printed in the said district of Kensington, if one be established there, and in two or more newspapers printed in the city of Philadelphia, two weeks at least, of the time and place where the said books shall be opened and kept to receive subscriptions for the stock of said company, at which time and place one or more of the said commissioners shall attend, and permit all persons of lawful age who shall offer to subscribe in the said books, in their own names, or in the names of others who shall authorize the same, for shares in the said stock, and the said books shall be kept open respectively for the said purpose, at least six hours in every juridical day, for the space of three days, or until there shall have been subscribed six thousand shares, and if at the expiration of three days as aforesaid, the books shall not have therein subscribed the number of shares aforesaid, the commissioners may adjourn from time to time, and transfer the books elsewhere, within the city or county of Philadelphia, until the whole number of six thousand shares shall be subscribed, of which adjournment and transfer the commissioners shall give such public notice as they may deem just and necessary, and when the whole number of shares shall be subscribed, then the books shall be closed: *Provided*, That no person be permitted to subscribe for more than twenty shares on the first day, and not more than one hundred on the second, after which any person may subscribe for any number of shares, until the whole of the stock is taken: *And provided also*, That no subscription shall be valid, unless the person so subscribing shall pay to the said commissioners at the time of doing the same, the sum of five dollars on each and every share, for the use of the company.
- 6000 shares.**
- Proviso.**
- 2d Proviso.**
- When letters patent shall issue.** SECTION 2. When three thousand shares or more of the said stock shall be subscribed, and the sum of five dollars paid on each and every share, as aforesaid, the commissioners, or a majority of them, shall certify to the Governor, under oath or affirmation, the names of the subscribers, and the number of shares subscribed by each, and the sum of five dollars on each share paid at the time of subscribing, where-

upon the Governor shall, by letters patent, under his hand, and the seal of the commonwealth, create and erect the subscribers, and if the subscription shall not be full at the time, then also those who shall thereafter subscribe to the number of shares aforesaid, into a body politic and corporate, in deed and in law, by the name, style and title of "The Kensington and Penntownship Railroad company," and by that name the subscribers shall have perpetual succession, with all the privileges, franchises and immunities incident to a corporation, and be able to sue and be sued, plead and be impleaded, in all courts of record and elsewhere, and to purchase, receive, have, hold and enjoy, to them and their successors, lands, tenements, and hereditaments, goods, chattels, and all estates, real, personal, or mixed, of what kind or quality soever, and the same from time to time to sell, exchange, mortgage, grant, alien, or otherwise to dispose of, and to make such dividends of the profits as they may deem proper, and to also make, have, and keep a common seal, and the same to alter and renew at pleasure, and also to ordain, establish and put in execution such by-laws, ordinances and regulations, as shall appear necessary and convenient for the government of said corporation, not being contrary to the constitution and laws of the United States, nor to the laws and constitution of this commonwealth, and generally to do all and singular, the matters and things which it shall lawfully appertain to do for the well being, managing and ordering the affairs of said corporation: *Provided*, That nothing herein contained shall be so considered as in any way giving to the said corporation any banking privileges whatsoever, or any other liberties, privileges, or franchises, than may be necessary or incident to the making and maintaining the said railroad, and the conveyance of passengers, and the transportation of the mail, and of goods, merchandise, and other commodities thereon.

SECTION 3. The said named persons, or a majority of them, shall, as soon as conveniently may be after the letters patent shall be obtained, give at least twenty days notice, in the newspapers herein before mentioned, of the time and place by them appointed for the subscribers to meet in order to organize the said company, to choose by a majority of the votes of the said subscribers, by ballot, to be given in person or by proxy, which proxy shall have been obtained and bear date within three months previously to the election at which said proxy shall be presented, duly authorized, one president and twelve managers, all of whom shall be residents of this commonwealth, a treasurer, secretary, and such other officers as shall be deemed necessary; that the president and managers as aforesaid, shall conduct the business of the company until the second Monday of

Proviso.

January then next, and until like officers shall be chosen, and may make such by-laws, rules, orders and regulations, as are not inconsistent with the laws and constitution of the United States or of this commonwealth, for the well governing the affairs of the said company: *Provided*, That no person shall be eligible to the office of president or manager except a stockholder.

Annual meeting for election of officers.

SECTION 4. The stockholders shall meet on the second Monday in January in every year, at such place as may be fixed upon by the by-laws, of which notice shall be given at least twenty days previous, by the secretary, in the newspapers before mentioned, and choose, by a majority of the votes present, officers for the ensuing year, as mentioned in the third section of this act, who shall continue in office for one year, and until others are chosen, and at such other time as they may be summoned by the managers, in such manner and form as shall be prescribed by the by-laws, at which annual or special meeting, they shall have full power and authority to make, alter or repeal, by a majority of the votes, in the manner aforesaid, all such by-laws, rules, orders and regulations as aforesaid, and to do and perform every other corporate act; and the number of votes to which each stockholder shall be entitled, shall be according to the number of shares he or she shall hold, in the ratio following: for every share not exceeding two shares, one vote: for every two shares above two and not exceeding ten shares, one vote; and for every five shares above ten, one vote; but no share shall confer a right of suffrage, which shall not have been holden three calendar months prior to the day of the election, nor unless it be holden by the person in whose name it appears, absolutely and bona fide in his own right, or in that of his wife, or for his or her sole use and benefit, or as executor or administrator, trustee or guardian, or in the right and for the use and benefit of some copartnership, corporation, or society, of which he or she may be a member, and not in trust for and to the use and benefit of any other person: *Provided*, That no shares held by transfer shall be entitled to a vote, unless the same shall have been transferred at least three months before the election, and all votes by proxy, shall be on such terms and conditions as are prescribed by the act of assembly of this commonwealth, passed on the twenty-eighth day of March, one thousand eight hundred and twenty, entitled "An act to regulate proxies:" *And provided also*, That no share shall be entitled to a vote at any election, or at general or special meetings of said company, on which any instalment or arrearages may have been due and payable more than thirty days previous to said election or meeting.

Number of votes each stockholder is entitled to.

Proviso.

2d Proviso.

SECTION 5. The election of officers provided for in the third section of this act, shall be conducted in the following

manner, that is to say: the managers for the time being, ^{Manner of} shall appoint two of the stockholders not being managers, to conducting the judges of the election, and to conduct the same, after election, having taken and subscribed an oath or affirmation, before an alderman or justice of the peace, well and truly, and according to law, and the best of their knowledge and abilities, to conduct the same; the said judges shall decide upon the qualification of voters, and when the election is closed, shall count the votes, and declare who is elected; and if it shall at any time happen that an election of president, ^{Failure to} managers, treasurer, secretary, or other officers, shall not be elect shall made, the corporation shall not for that cause be dissolved, not dissolve. but it shall be lawful to hold and make such election of president, managers, secretary, treasurer, or other officers, on any day thereafter, by giving at least ten days notice, signed by the president or secretary, in the newspapers before mentioned, of the time and place of holding said election, and the president, managers, treasurer, secretary and other officers of the preceding year, shall in that case continue to act, and be invested with all the powers and duties incident to their respective situations, until an election shall take place; in cases of death, resignation, or ^{Vacancies—} removal from the state of the president, managers, treasurer, or secretary, his or their place may be filled by the board of managers until the next annual meeting.

SECTION 6. The said president and managers shall meet at ^{Powers of} such times and places as shall be found most convenient for president and the transacting of their business, and when met, five shall ^{managers.} be a quorum, who in the absence of the president shall choose a chairman, and shall keep minutes of their transactions, fairly entered in a book, and a quorum being formed, they shall have authority to appoint all such surveyors, engineers, superintendents, and other artists and officers, as they shall deem necessary to carry on the intended work, and to fix their salaries and wages, to ascertain the times, manner and proportions in which the said stockholders shall pay the moneys due on their respective shares, to draw orders on the treasurer for moneys, which shall be signed by the president, or in his absence by a majority of the managers present, and countersigned by the secretary, and generally, to do all such other matters and things as by this act and by the by-laws and regulations of the company they are authorized to do.

SECTION 7. The said president and managers first chosen, ^{Certificates} shall procure certificates or evidences of stock for all the of stock. shares of the said company, and shall deliver one or more certificates, signed by the president and countersigned by the treasurer, and sealed with the common seal of the said corporation, to each person, for the number of shares by him or her subscribed or held, which certificate or evidence of

How transferred.

stock shall be transferrable at his or her pleasure, in person or by attorney, duly constituted, in the presence of the president or treasurer, one of whom shall keep a book for that purpose, subject however, to all payments due or to become due thereon, and the assignee holding any certificate, having first caused the assignment to be entered on the book of the company, kept for the transfer of stock, shall be a member of the corporation, and for every certificate assigned to him or her as aforesaid, shall be entitled to one share of the capital stock, of all the estates and emoluments of the company incident to one share, and to vote as aforesaid at the meetings thereof, and subject to all the penalties and forfeitures, and to be sued for all the balance and penalty due or to become due on each share, as the original subscriber would have been.

Penalty on delay in paying instalments.

SECTION 8. If after thirty days notice in the newspapers aforesaid, of the time and place appointed for the payment of any proportion or instalment of the said capital stock, any stockholder shall neglect to pay such proportion or instalment, at the place appointed, for the space of thirty days after the time so appointed, every such stockholder or his assignee shall, in addition to the instalment so called for, pay at the rate of one per centum per month for the delay of said payment; and if the same and the additional penalty shall remain unpaid for such a space of time as that the accumulated penalty shall become equal to the sums before paid in part and on account of such shares, the same shall be forfeited to the company, and may be sold to any person or persons for such price as can be obtained for the same, or in default of payment by any stockholder, of any such instalment as aforesaid, the president and managers may at their election, cause suit to be brought, before any alderman or justice of the peace, or in any court having competent jurisdiction, for recovery of the same, together with the penalty aforesaid.

Surety required of officers.

SECTION 9. The president and managers of said company shall demand and require from the treasurer, and from all and every other officer, person or persons whatsoever, employed by them, such surety as the said company may think necessary, for the faithful discharge of their several duties and trusts to them committed.

Semi-annual declaration of dividends.

SECTION 10. Dividends of so much of the profits of the company as shall appear advisable to the managers, shall be declared at least twice a year in each and every year, and paid to the stockholders or their legal representatives, on demand, at any time after ten days shall have elapsed from the time such dividend shall have been declared, but they

Capital stock not to be impaired.

shall in no case exceed the amount of the nett profits actually acquired by the company, so that the capital stock shall never be impaired thereby; and if the said president and

managers shall at any time make a dividend whereby the capital stock of the company may be impaired, the managers consenting thereto shall be liable in their individual capacities to the company, for the amount of the stock so divided, and each manager present when such dividend shall be declared, shall be taken and deemed as consenting thereto, unless he or they shall cause their protest against the same to be entered on the minutes of the board of managers, and give notice thereof to the stockholders of the same.

SECTION 11. The president and managers of the said railroad company shall have power to survey, lay down, ascertain, mark and fix such route as they shall deem expedient for a railroad, with as many tracks as they may find necessary, beginning on the river Delaware, at or near the monument erected for the commemoration of William Penn's treaty with the Indians, in the Kensington district of the Northern Liberties, and terminating at the Columbia railroad, at or near, as practicable to the railroad bridge across the river Schuylkill; said railroad to be located on the proposed route of the Columbia avenue, at least as far as Sixth street, and to be continued on the same to its westerly termination: *Provided*, The expense thereof, and the damages to private property, shall not render the undertaking unwise or impracticable: *Provided also*, That the said road shall not occupy said street or avenue, so as to prevent the use of the same for traveling, and ordinary purposes, and that the same shall not pass through or over any burial ground, or the ground belonging to any place of public worship, intended for that purpose, or any dwelling house, without the owner thereof having been first compensated therefor.

Location of railroad.
Proviso.
2d Proviso.

SECTION 12. The said president and managers shall have power, by themselves, or their superintendents, engineers, artists and workmen, to enter in and upon, and occupy such land on which said railroad, or its depots and warehouses, may be located, or which may be necessary for the erection of weigh houses, and other buildings for the use of the company, and for repairs to the said road, and therein to dig, embank, excavate, tunnel, make and construct said road; and the said company shall, previous to making said entry, first pay and satisfy the owner or owners of the ground to be taken and occupied as aforesaid; but if the parties cannot agree upon the price and compensation so to be paid by the said company, to such owner or owners, it may be lawful for the parties to appoint five suitable and judicious persons, neither of whom shall be inhabitants of, or owners of real estate in the district of Kensington, or the township of Penn, and in case the said parties cannot agree upon such persons, then either party, having given twenty days notice to the other of their intention so to do, may apply to the court of

Right to enter on lands, etc.
Appointment of viewers.

Viewers to be sworn or affirmed.

Proviso.

2d Proviso.

[...]

Common Pleas of the city and county of Philadelphia, and the court shall award a venire, directed to the sheriff, to summon a jury of judicious and disinterested persons, none of whom shall reside in, or be freeholders in the said district of Kensington or township of Penn, and not a stockholder in said company, in order to ascertain and report to the said court what damages, if any, have accrued to the owners of said land, houses, or other buildings, by reason of the construction of said railroad through or upon the same, which said jury, having been first sworn or affirmed, justly and equitably to assess the damages, if any, which may have been sustained by the owner or owners of the land, and having viewed the premises, shall proceed to estimate the quantity and the quality of the land to be occupied by the said railroad, and the inconveniences which may result to the owner of the same by reason thereof, and under the influence of these considerations, and a just regard to the advantages which may be likely to accrue to the owner or owners of said land from the opening of the said railroad through the same, to make their assessment, and report to the court, which said report being confirmed by the court, judgment shall be entered thereon, and the amount so assessed shall be paid to the owner or owners of said land, before any entry shall be made by said company, and the expenses of said valuation shall be borne by the same; and in order to avoid delay and expense, it shall and may be lawful for as many owners of land as may think proper, to submit their claims for damages to the same jury, whose report on their respective claims shall be taken to have the same effect, and be equally binding, as though the venire had been issued at their instance or request: *Provided always*, That either party may, within thirty days after such award or report shall have been filed in the prothonotary's office, appeal from the same, by filing in said office an affidavit, that in their opinion injustice has been done; if the company be the appellant, said affidavit shall be made by the president, or some one of the managers thereof; said cause shall be then placed on the trial list, and tried as all other issues are tried in said court: *And provided also*, That in case the owners of any of the lands through which said road shall pass be feme covert, or minors, non compos mentis, or living out of the state, without trustees, guardians, committees, or accredited agents here, then and in that case, it shall be the duty of the president or managers of said company to make the facts known to the said court, whose duty it will be to appoint some suitable person or persons as trustees, guardians, committees, or agents, to act in their behalf, under the control and direction of the court.

SECTION 13. It shall not be lawful for the said railroad company to use any locomotive steam engine on the same,

or any part thereof, nor shall any other motive power but horse power be used on the same, unless it should be necessary to construct an inclined plane at the western end thereof, in which case they are authorized to place a stationary engine at such place as the managers of said company may think proper: *And provided also*, That any individual unconnected with, either as agent or stockholder, any other railroad company, shall on his account be permitted to use said railroad, with his or her own cars, subject and under such regulations, rules and orders, as the said Kensington and Penntownship railroad company may make, order and direct.

Locomotives not to be used except it is necessary to construct an inclined plane.

SECTION 14. The president and managers, by and with their superintendents, engineers, artists, workmen and labourers, with their tools, instruments, carts and other carriages, and beasts of draught and burden, may enter upon the lands contiguous and near the said railroad, first giving notice to the owner or owners, or occupiers thereof, and from thence to take and carry away any earth, stone, gravel, or sand, doing as little damage thereto as possible, and repairing any breaches they may make in the enclosures thereof, and making amends for any damages that may be done thereon, the amount whereof, if the parties cannot agree, shall be assessed as directed in the twelfth section of this act.

Power to enter on lands with carts carriages, etc

SECTION 15. The said railroad shall be so constructed as not to impede or obstruct the free use or passage of any railroad already made and laid out, or of any public road, street, lane, or other highway, now laid out or opened, or to be hereafter laid out and opened, and that for the accommodation of all persons through whose lands said road may pass, it shall be the duty of said company to erect good and sufficient causeways or bridges, from one side of the road to the other, where, from the depth of the cut, the same may be required, and the same to be always kept in good order, at the expense of said railroad company; and in case the said company shall, upon reasonable notice and request of any of said land-holders, or occupiers of said land, refuse to make such causeways or bridges forthwith, or when made to keep the same in good order and repair, said company shall be liable to the party aggrieved for the damages sustained by said neglect or refusal, before any magistrate or court having cognizance thereof: *Provided*, That the said company shall not be compelled to make, or cause to be made, more than one causeway or bridge through any one plantation or lot of ground, for the accommodation of any one person owning or occupying said plantation or lot of ground, nor shall said company be required to make such bridge or causeway for the accommodation of any such lot of ground, unless the same shall contain at least three acres:

Company to erect causeways.

Penalty on neglect.

Proviso.

2d Proviso. *And provided also,* That in the event of any private bridge or causeway being converted to public use, so as to be made to accommodate a public road, laid out or opened subsequent to the passage of this act, then and in such case, the company shall be forever thereafter exonerated from the duty of keeping said bridge or causeway in repair.

Suits for penalties must be commenced within one year. **SECTION 16.** No suit or action shall be prosecuted by any person or persons, for any penalties incurred by the said railroad company under this act, unless such suit or action shall be commenced within one year next after the offence committed, or the cause of action shall have accrued, and the defendants in any such suit or action may plead the general issue, and give this act and the special matter in evidence, and that the same was done in pursuance and by the authority of this act, and that in all suits or actions brought against this company, the service of process on any manager, toll gatherer, or other officer of the company, shall be as good and as available in the law as though the same had been made on the president thereof.

Penalty for wilful injury to works. **SECTION 17.** If any person or persons shall wilfully and knowingly break, injure, or destroy, or in any manner damage the railroad hereby authorized, or any part thereof, or any work, edifice, or device, or any part thereof, to be erected by the said company in pursuance of this act, he, she or they shall forfeit and pay to the said company three times the actual damages so sustained, to be sued for and recovered, with full costs of suit, before any tribunal having cognizance thereof, by action, in the name and for the use of the company.

Penalty for misdemeanor. **SECTION 18.** If any person or persons shall wilfully and maliciously remove or destroy any of the company's constructions, or place designedly and with evil intent, any obstruction on the line of the said railroad, so as to jeopardize the safety, or endanger the lives and limbs of persons traveling the same, such person or persons so offending, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be imprisoned in the Eastern penitentiary, or the prison of the county of Philadelphia, for a term not exceeding two years: *Provided,* That nothing herein contained shall prevent said company from pursuing any pecuniary action for the damage or injury so done and committed.

Proviso.

President and manag'rs make rules and regulations. **SECTION 19.** It shall and may be lawful for the president and managers, from time to time, to ordain and establish rules and regulations for the due ordering of all traveling and transportation on said road, and for its preservation, with power to alter, amend, repeal or enlarge the said rules and regulations, as they may deem expedient, and that they shall have full power and authority to prescribe the kinds and descriptions of cars, carriages or wagons to be used on the said road for the conveyance of passengers, and the

transportation of the mails, or of goods, wares, merchandise, lumber, and minerals, and to regulate the speed at which they shall travel, and to adopt and enforce such rules and regulations in relation to the transit thereof as they may deem expedient: *Provided*, That the toll on any species of property shall not exceed an average of six cents per ton per mile, nor upon each passenger an average of three cents per mile. Proviso.

SECTION 20. At each annual meeting of the stockholders, the president and managers of the preceding year shall exhibit to them a complete statement of the affairs and proceedings of the company for such year, and that special meetings of the stockholders may be called by order of the president, at the request of stockholders holding one third of the amount of capital stock, in like notice as that required for annual meetings, specifying the object of the meeting, but no business shall be transacted at said meeting except that for which it shall have been called, nor unless a majority in value of the stockholders shall attend, in person or by proxy. President and managr's to make annual statement to the stockholders.

SECTION 21. If the president, managers and company shall not proceed to carry on the said work within three years from the passage of this act, and shall not complete the same within seven years as aforesaid, according to the true intent and meaning of this act, or if after the completion of the said road, the company shall suffer the same to go into decay, and be impassable for the space of two years, then this charter shall become null and void, except so far as compels the said company to make reparation for damages. Time of commencing and completing road.

SECTION 22. Whenever the said Columbia avenue, or such part thereof as may be occupied by said railroad company, shall be required for public use, as a highway, that the said railroad company shall be entitled to have and receive from the treasury of the county of Philadelphia, a just and rateable proportion of the damages which they shall have paid to the several owners of land through which said avenue may pass, the same to be estimated according to the quantity of ground actually used and occupied by said company; and in case the said company and the commissioners of said county cannot agree upon the amount of monies to be paid to said company, then and in that case the same shall be referred to the judges of the court of Common Pleas of the city and county of Philadelphia, who may decide the same upon the report of a jury of valuation, or by testimony heard in open court. Columbia avenue.

SECTION 23. If any increase of the capital stock of said company shall be found necessary and expedient to improve or to complete the said road, or to increase the facilities of traveling or transportation upon the same, it may be lawful for the said president, managers and company, at a stated or special meeting convened for that purpose, to increase the may increase the capital stock.

number of shares, so that the capital of the said company shall not exceed six hundred thousand dollars, and to receive and demand the monies for shares so subscribed, in like manner, and under like penalties as are provided for heretofore in the original subscription, or as shall be provided for in the by-laws.

At the end of 3 years to furnish abstract of the accounts of the company, and yearly thereafter to legislature. SECTION 24. At the end of the third year after the charter shall have been obtained, and at the end of every year thereafter, there shall be furnished to the legislature an abstract of the accounts of the company, showing the amount of capital paid in, and the debts of the said company, the amounts received for tolls and transportation, and rates charged, and the amount of dividends declared, which abstract shall be verified by the oath or affirmation of the president or treasurer of said company; that the president

Annual statement to Auditor General. and managers of the aforesaid company shall annually, on the first Monday in December, transmit to the Auditor General a full statement of their affairs, under oath, and shall pay annually into the treasury of this commonwealth, a tax of eight per cent. on all dividends which may exceed six per cent. on the capital stock actually paid in.

Legislature may resume the rights hereby given. SECTION 25. If the said company shall at any time misuse or abuse any of the privileges hereby granted, the legislature may resume all and singular, the rights and privileges hereby granted to the said corporation.

Right to purchase reserved. SECTION 26. The legislature reserves the privilege of purchasing the said railroad and its appurtenances, at any time after the expiration of twenty years from the passage of this act, by paying to said company a sum of money which, together with the tolls collected, shall equal the amount expended by said company in constructing and keeping in repair the said road, with eight per cent. per annum interest on the sum.

NER MIDDLESWARTH,

Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,

Speaker of the Senate.

APPROVED—The sixteenth day of May, Anno Domini, one thousand eight hundred and thirty-six.

JOS: RITNER,

No. 154.

An Act

Authorizing the Governor to incorporate a company to build a Toll Bridge over the river Schuylkill, at or near to Mohr's tavern, in Windsor township, Berks county, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That for the purpose of erecting a bridge over the river Schuylkill, at or near Mohr's tavern, in Windsor township, Berks county, John Gernand, George Loose, John H. Mohr, Peter Addams, Isaac Addams, George Haag, Jacob Klein, Jacob D. Klein, John Kaufman, Christopher Klein, Jacob Yoter, John Yoter, Philip Schneider, John Snyder, Jacob Philips, Philip Kline, Daniel Guldin, and Valentine Wagner, all of Berks county, be and the same are hereby appointed commissioners to do and perform the several duties hereinafter mentioned, that is to say: they shall, on or before the first Monday of August next, procure a book or books, and enter therein as follows: "We whose names are hereunto subscribed, do promise to pay unto the president, managers and company authorized to erect a bridge over the river Schuylkill, at or near to Mohr's tavern, for the use of the said company, the sum of twenty dollars for each share of stock set opposite to our respective names, in such manner and proportions, and at such times and places as shall be determined by the president and managers, in pursuance of an act of the general assembly of this commonwealth, entitled 'An act authorizing the Governor to incorporate a company to build a bridge over the river Schuylkill, &c.' Witness our hands, this day of , one thousand eight hundred thirty- ;" and shall thereupon give notice, in two newspapers printed in the said county, for one calendar month at least, of the times and places when and where such book or books shall be opened to receive subscriptions for the stock of the said company, at which times and places some one of the said commissioners shall attend, and shall keep open said book or books, at least six hours in every day, for three juridical days, if so many shall be necessary, and allow any person of the age of twenty-one years, to subscribe therein, in his own name, or in the name or names of any other person or persons by whom he shall be authorized to do so, for any number of shares in the said stock, until one hundred and twenty shares shall be subscribed, when the books shall be closed,

- but if the whole number of shares should not be subscribed, the said commissioners may adjourn to such times and places as they shall think necessary, and give such further notice as they may think proper, and when the subscription shall amount to one hundred and twenty shares, as aforesaid, the books shall be closed: *Provided always*, That every person offering to subscribe in the said book or books, in his own name, or in the name of any other person, shall at the time of subscribing, pay to the attending commissioner or commissioners, two dollars on every share so subscribed, out of which money shall be defrayed the expenses attending the taking of such subscriptions, and other incidental charges, and the remainder shall be paid over to the treasurer of the corporation, as soon as the same shall be organized, and the officers thereof chosen, as is hereinafter directed: *Provided*,
- 2d Proviso. That the commissioners of the county of Berks, or a majority of them, may subscribe for any number of shares they may deem expedient: *And provided also*, That the county shall at any time hereafter have the right of buying out the company, by reimbursing to the stockholders such money as together with the interest, they may have expended in the erection and completion of the said bridge.
- 3d Proviso.
- When letters patent may issue. SECTION 2. When one hundred shares of the said stock shall have been subscribed, the said commissioners, or a majority of them, shall certify under their hands and seals, the names of the subscribers, and the number of shares subscribed by each, to the Governor, and thereupon it shall and may be lawful for the Governor, by letters patent, under his hand and the seal of the state, to create and erect the subscribers, and if the said subscription be not full at the time, then also those who shall subscribe to the number aforesaid, into one body politic and corporate, in deed and in law, by the name, style and title of "The president, managers and company of the Schuylkill bridge, at or near Mohr's tavern," and by the said name the subscribers shall have perpetual succession, and all the privileges and franchises incident to a corporation, and shall be capable of holding their said capital stock, and the increase and profits thereof, and of enlarging the same from time to time by new subscriptions, in such manner and form as they shall think proper, if such enlargement be thought necessary to fulfil the intent and meaning of this act, and of purchasing, taking and holding, to them, their successors and assigns, and of selling, transferring and conveying, in fee simple or any less estate, all such lands, tenements, hereditaments and estates, real and personal, as shall be necessary to them in the prosecution of their work, and of suing and being sued, and of doing all and every other matter and thing which a body politic or corporate may lawfully do.
- Style and title.
- Privileges and liabilities

SECTION 3. The three persons first named in the letters patent, Organization as soon as conveniently may be after the sealing of the same, of the company shall give notice in two or more of the public newspapers in ny. the county of Berks, of a time and place by them appointed, not less than thirty days from the time of issuing the first notice, at which time and place the subscribers shall proceed to organize the said corporation, and shall choose, by a majority of votes of said subscribers, by ballot, to be delivered in person, or by proxy duly authorized, one president, six managers, and one treasurer, who shall serve until other officers shall be lawfully chosen, as is hereinafter directed, and may make such rules, orders, regulations and by-laws not inconsistent with the laws of this commonwealth, as shall be found necessary for the well ordering of the affairs of the said company, and generally to have all the powers, authorities and privileges necessary for erecting, maintaining and keeping in repair the said bridge.

SECTION 4. A public meeting of the stockholders shall be Elections to held annually, at such time and place as shall be fixed by the be held annually. rules and by-laws of the said company, for the purpose of annually. choosing officers for the ensuing year, and the transaction of such business as shall come before them: *Provided*, That no Proviso. person shall have more than ten votes at any election, or in determining any question arising at such meeting, whatever number of shares he may be entitled to, and that every person shall be entitled to one vote for every share he holds under ten.

SECTION 5. The president and managers shall procure Certificates certificates of stock in the said company, which shall be of stock. signed by the president, and countersigned by the treasurer, and sealed with the seal of the corporation, and each stockholder shall be entitled to a certificate for each share by him subscribed or held; on paying to the treasurer in part for the sum due thereon, five dollars on each share, which certificate Stock trans- shall be transferrable, either by the owner in person or by ferrable. his attorney duly authorized, in the presence of the president or of the treasurer for the time being, subject however to the payments due or growing due thereon, and the person to whom such transfer shall be made, shall stand in the place of the former holder, and be entitled to the same privileges, and liable to the same responsibilities to the company.

SECTION 6. The said president and managers shall meet Powers of at such times and places, and be convened in such manner as president and shall be prescribed by the by-laws, at which meeting five mem. managers. bers shall be a quorum, who in the absence of the president, may choose a chairman, and shall keep minutes of all their transactions, fairly entered in a book. and at any such meeting, a quorum being present, they shall have full power and authority to agree with and appoint such engineers, superintendents, artists, and other officers as they shall think necessary for the

erection of said bridge, and to fix their salaries and wages, or at their discretion, make contracts for the erection or construction of the same, or any part thereof; they shall also determine the times, manner and proportion in which the stockholders shall pay the money due on their respective shares, draw orders on the treasurer for the money necessary to pay salaries, wages, and bills for work or materials, or on account of contracts, which orders shall be signed by the president, or in his absence by a majority of the quorum, and countersigned by the clerk, and also do and transact all matters and things as by this act or the by-laws of the company shall be committed to them.

Penalty on
delay of pay-
ing instal-
ments.

SECTION 7. If any stockholder, after thirty days notice given in any two or more newspapers printed in said county, of the time and place appointed for the payment of any instalment of said capital stock, shall neglect to pay such instalment at the time appointed; every such stockholder or his assignee shall, in addition to the proportion so called for, pay at the rate of one per cent. per month for every delay of such payment, and if the same and the said additional payment shall remain unpaid for such a space of time that the accumulated penalties shall be equal to the sums before paid on account of such share, the same shall be forfeited to the company, and may be sold by them to any other person or persons willing to purchase, for such price as can be obtained therefor, or the president and managers may sue for and recover the same before any justice of the peace, or before any court of competent jurisdiction.

May increase
capital stock.

SECTION 8. Whenever it shall appear to the said president, managers and company, at any general or special meeting, that the said bridge cannot be completed without extending the number of shares, the same shall be extended under the direction of such meeting, so far as may be necessary to complete said bridge, which additional shares shall be sold by the president and managers, and shall entitle the holder to the same rights and privileges as those originally subscribed.

Property
vested in
company.

SECTION 9. When a safe passage may be had across the said bridge, the property shall be vested in the said company, their successors and their assigns forever, and the said company and assigns are hereby empowered to erect gates, and demand and receive toll not exceeding the follow-

Rates of toll.

ing rates, to wit: for every score of sheep five cents; for every score of hogs eight cents; for every score of cattle fifteen cents; and so for a greater or less number; for every horse or mule two cents; for every horse and rider five cents; for every foot passenger one cent; for every sulkey, chair or chaise with one horse and two wheels, ten cents; for every chariot, coach, phaeton or chaise with two horses and four wheels, fifteen cents; for either of the aforesaid carriages

with four horses, twenty cents; and for every other carriage of pleasure, under whatever name, the like sum, according to the number of horses drawing the same; for every stage wagon with two horses, ten cents; for every such wagon drawn by four horses, twenty cents; for every sleigh, five cents for every horse drawing the same; for every sled, five cents for each horse drawing the same; for every wagon or cart, five cents for each horse drawing the same; and two oxen shall be estimated equal to one horse: *Provided*, That ^{Proviso.} the said bridge shall be so constructed as to admit any load not exceeding four tons, and drawn by not more than six horses or oxen, at all times to cross it; the said president and managers however, to have the power to increase the rate of toll to be demanded for any carriage of burden crossing the said bridge, laden with more than four tons, to an amount not exceeding treble the above rates, and to grade them according to the weight of the load, and the number of horses drawing the same: *And provided also*, That no ^{2d Proviso.} toll shall be demanded from any person attending funerals, churches or schools, or going to or returning from any militia training.

SECTION 10. If the said company or their successors, or any person or persons by their authority, shall collect or demand any greater toll for passing over said bridge than what is herein before prescribed and specified, or shall neglect to keep the same in good repair, or to keep a list of the rates of toll placed near the bridge, on ten days notice, given by a justice of the peace of the said county, they so offending shall, for every such offence, forfeit and pay the sum of five dollars, to be recoverable as debts: of the same amount are by law recoverable, one moiety thereof to go to the use of the poor of the county, and the other moiety to the use of the person who shall sue for the same, but no suit shall be brought unless commenced within thirty days after the offence shall have been committed. ^{Penalty for extortion or neglect to keep the bridge in repair.}

SECTION 11. The said president and managers shall keep a just and true account of all the monies received as toll for crossing the said bridge, or otherwise, and shall make and declare a dividend of the profits and incomes, after deducting costs, expenses and charges, and shall, on the first Monday of January in every year, publish the dividend to be made of the clear profits thereof amongst the stockholders, and of the time and place when and where the same shall be paid, and shall cause it to be paid accordingly: *Provided*, That it shall be lawful for the said president and managers in making and declaring any dividend, to reserve such sum or proportion of the clear yearly income not exceeding two per cent. on the capital stock, as they ^{Dividends declared annually.} ^{Proviso.}

may think proper, to form a contingent fund, for the purpose of repairing and rebuilding said bridge in case of decay or injury, and the same to invest, on such security, or in such stock as they shall deem safe and productive; and the interests arising from the same again to invest, and the same stock to sell or transfer at any time when the funds may be required for the purpose aforesaid.

President

and manag'rs
to appoint of-
ficers.

SECTION 12. It shall be lawful for the president and managers aforesaid, to cause the toll collector or collectors, and watchman or men of said bridge, to take and subscribe an oath or affirmation, before a justice of the peace of the said county, that he or they will faithfully conduct him or themselves in his or their respective stations, and honestly account to the treasurer of the company for all the money collected by him or them, and diligently to attend to the discharge of his or their duty, by watching with vigilance over the interests of the company and safety of the bridge, and generally to execute with care and fidelity, whatever lawful engagements he or they may enter into with the president and managers of said bridge.

Penalty for
wilful injury.

SECTION 13. If any person or persons shall wilfully pull down, break, injure or destroy any part or parts of said bridge, or of any toll-house, gates, bars, or any other property of the said corporation, appurtenant to or erected for the use and convenience of said bridge, or of the person employed in attending to the same, or shall wilfully, without the consent or orders of said corporation, deface or destroy any list of the rates of toll affixed in any place or places for the information of passengers and others, or who shall wilfully or maliciously obstruct or impede the passage on or over the said bridge, or any part or parts thereof, he, she or they so offending, shall each of them forfeit and pay for each and every such offence, to said corporation, the sum of ten dollars, to be recovered before any justice of the peace, as debts of a like amount are recoverable, and if any person shall be guilty of carrying any lighted cigar or pipe, or of carrying fire in any manner whatever over said bridge, except in a lantern, or in some vessel secured so that the possibility of setting fire to said bridge shall be fully prevented, or who shall fire any squib, cracker, rocket, or other fireworks, or who shall discharge any pistol, gun, or other fire-arms, on or near said bridge, so that the said bridge might by possibility be fired or injured thereby, he or she so offending, shall forfeit and pay to the said corporation the sum of five dollars for every such offence, to be recovered as aforesaid, but no suit shall be brought for any of the afore-said offences, unless commenced within thirty days after such offence shall have been committed, and he or they so offending, shall remain liable to actions, at the suit of the said corporation, for such wrongs, if the said sum or sums herein

Time for
commencing
suit limited.

mentioned be not sufficient to repair and satisfy said damages: *Provided always*, That the said bridge shall not be erected at any place so as to do any damage or injury, or in any manner to obstruct the Schuylkill navigation company in their works.

SECTION 14. If the said company shall not proceed to carry on the said work within two years after they shall have been incorporated, or shall not within the space of three years thereafter, complete the said bridge, it shall and may be lawful for the legislature of this commonwealth to resume all and singular, the rights, liberties and privileges hereby granted to the said company: *Provided also*, That the president and managers shall annually, in the month of January, publish in one or more newspapers printed in the county of Berks, a full account of the cost of building and repairing said bridge, and the amount of tolls received.

SECTION 15. That the act to authorize the Governor to incorporate the president, managers and company, for the purpose of erecting a bridge over the river Lehigh, at or near Kuntz's ford, in the counties of Lehigh and Northampton, passed the eighteenth day of March, Anno Domini, one thousand eight hundred and twenty-six, be and the same is hereby revived and continued in force, the same as if it had been re-enacted section by section: *Provided*, That if the said company shall not proceed to carry on the work contemplated by said act, within three years after the passing of this act, or shall not within five years thereafter complete said bridge, according to the true intent and meaning of the act hereby revived, then, and in either of these cases, all and singular, the rights, liberties and franchises hereby granted to the said company, shall revert to the commonwealth: *Provided further*, That John Shifferstine, William Miller, and David Lowry, of the county of Lehigh, and Abraham Gish, Daniel Kuntz, Adam Hower, and Peter Heckman, of the county of Northampton, be and they are hereby appointed commissioners, in the room of the commissioners named in the original act: *Provided also*, That so much of the original act as is hereby altered and amended, be and the same is hereby repealed.

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The seventeenth day of May, Anno Domini, one thousand eight hundred and thirty-six.

JOS : RITNER.

No. 155.

A Supplement

To the act entitled "An act for the regulation of the militia of this commonwealth," passed the second day of April, one thousand eight hundred and twenty-two.

Citizen Blues
Indiana co. **SECTION 1.** *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the volunteer company organized and known by the name of the Citizen Blues, in the county of Indiana, shall not be required to perform military duty in connection with any regiment or battalion of militia, remaining in all other respects subject to the provisions of the act to which this is a supplement.

Franklin
Blues and
Chambers'g.
Artillerists,
Franklin co. **SECTION 2.** That the Franklin Blues and Chambersburg Artillerists of Chambersburg, Franklin county, the York Pennsylvania Riflemen, shall from and after the passage of this act, be exempted from parading or drilling with any regiment or battalion of militia, except at the discretion of said companies: *Provided,* That the above named companies shall meet on the proper number of days required by law, in their company capacity.

Proviso.

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The seventeenth day of May, Anno Domini, one thousand eight hundred and thirty-six.

JOS: RITNER

No. 156.

An Act

To incorporate the Pine Grove and Schuylkill Haven Railroad company.

SECTION. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in*

General Assembly met, and it is hereby enacted by the authority of the same, That John Barr, Henry Zimmerman, Thomas Berger, John Snyder, Michael Fritz, John Hefner, William Straugh, Abraham Fertigg, William Huntzinger, Daniel Graif, John Hughes, Charles Denglee, and John Rudy of Schuylkill county, and Griffith M. Eldridge, Thomas Adams, Charles Graff, John B. Trevor of the city of Philadelphia, or any two of them, be and they are hereby appointed commissioners to do and perform the several things hereinafter mentioned, that is to say: they shall procure a sufficient number of suitable books, in each of which they shall enter as follows: "We whose names are hereunto subscribed, do promise to pay to the president and managers of the Pine Grove and Schuylkill Haven Railroad company, the sum of fifty dollars for every share of stock set opposite to our respective names, in such manner and proportions, and at such times as shall be determined by the president and managers of the said company, in pursuance of an act of the general assembly of this commonwealth, entitled 'An act to incorporate the Pine Grove and Schuylkill Haven Railroad company;' Witness our hands this day of in the year of our Lord, one thousand eight hundred and ;"

Form of subscription.

When and places where books shall be opened.

and shall thereupon give notice, in two newspapers printed in the county of Schuylkill, and two daily papers in the city of Philadelphia, three weeks at least, of the times and places when and where the said books shall be kept open to receive subscriptions for the stock of the said company, at which respective times and places one or more of the commissioners shall attend, and permit all persons of lawful age who shall offer to subscribe in the said books, in their own name, or the name of any other person who shall authorize the same, for any number of shares in the said stock, and the said books shall be kept open respectively for the purpose aforesaid, at least six hours in every juridical day, for the space of six days, or until there shall have been subscribed five thousand shares; and if at the expiration of six days, the books aforesaid shall not have the number of shares aforesaid therein subscribed, the said commissioners may adjourn from time to time, and transfer the book or books elsewhere, until the whole number of five thousand shares shall be subscribed, of which adjournment and transfer, the commissioners aforesaid shall give such public notice as the occasion may require, and when the whole number of shares shall be subscribed, then the books shall be closed; but no subscriptions shall be valid, unless the person so subscribing, shall pay to the said commissioners at the time of making the same, the sum of five dollars on each share, for the use of the company.

SECTION 2. When twenty-five hundred shares or more of the said stock shall be subscribed, and five dollars on each share paid to the commissioners, the said commissioners, or a major-

ity of them, may certify the same, under oath or affirmation, to the Governor, whereupon the Governor shall, by letters patent, under his hand and the seal of the commonwealth, create and erect the subscribers, and if the subscription be not full at the time, then also those who shall thereafter subscribe to the number of shares as aforesaid, into a body politic and corporate, in deed and in law, by the name, style and title of "The Pine Grove and Schuylkill Haven railroad company;" and by the same name the subscribers shall have perpetual succession, and be able to sue and be sued, implead and be impleaded, in all courts of record and elsewhere, and to purchase, receive, have, hold and enjoy, to them and their successors, lands, tenements and hereditaments, goods, chattles, and all estate, real, personal or mixed, of whatever kind or quality soever, and the same from time to time to sell, mortgage, grant, alien or dispose of, and to make dividends of such portions of the profits as they may deem proper, and also to make and have a common seal, and the same to alter or renew at pleasure, and also to ordain, establish and put in execution such by-laws, ordinances and regulations as shall appear necessary and convenient for the government of the said corporation, not being contrary to the constitution and laws of the United States or of this commonwealth, and generally to do all and singular, the matters and things which to them it shall lawfully appertain to do for the well being of the said corporation, and the due management and ordering the affairs of the same: *Provided*, That nothing herein contained shall be considered as in any way giving to the said corporation any banking privileges, whatever, or any other liberties, privileges or franchises, but such as may be necessary or incident to the making and maintaining of the said railroad.

Style & title. Pine Grove and Schuylkill Haven railroad company;" and by the same name the subscribers shall have perpetual succession, and be able to sue and be sued, implead and be impleaded, in all courts of record and elsewhere, and to purchase, receive, have, hold and enjoy, to them and their successors, lands, tenements and hereditaments, goods, chattles, and all estate, real, personal or mixed, of whatever kind or quality soever, and the same from time to time to sell, mortgage, grant, alien or dispose of, and to make dividends of such portions of the profits as they may deem proper, and also to make and have a common seal, and the same to alter or renew at pleasure, and also to ordain, establish and put in execution such by-laws, ordinances and regulations as shall appear necessary and convenient for the government of the said corporation, not being contrary to the constitution and laws of the United States or of this commonwealth, and generally to do all and singular, the matters and things which to them it shall lawfully appertain to do for the well being of the said corporation, and the due management and ordering the affairs of the same: *Provided*, That nothing herein contained shall be considered as in any way giving to the said corporation any banking privileges, whatever, or any other liberties, privileges or franchises, but such as may be necessary or incident to the making and maintaining of the said railroad.

Privileges & liabilities.

Proviso.

Location and route of railroad. SECTION 3. The president, managers and company of the said railroad company, shall have power to survey, lay down, ascertain, mark and fix such route as they shall deem expedient for a double or single railroad, beginning at the Union Canal company's railroad, at or near Pine Grove, passing through Friedensburg, and terminating at or near the town of Schuylkill Haven, on the river Schuylkill, having due regard to the situation or nature of the ground, and of the buildings thereon, the public convenience, and the interest of the stockholders, and so as to connect either with the Schuylkill navigation or Pottsville and Philadelphia railroad, and do the least damage to private property; and the said road shall not pass through any burying ground nor place of public worship, nor any dwelling house, without the consent of the owner thereof, nor pass through any out building of the value of three hundred dollars without such consent; and the said president, managers and company shall, within six months after ascer-

taining the route of the said railroad, cause an accurate Map of road survey of the line of the said road to be made, a map or to be filed in plot of which survey they shall cause to be filed in the Secretary's office. Secretary's office of this state, which map or plot, or a certified copy thereof, shall be sufficient evidence of the course of said road, which may then be opened, and all the expenses incurred thereby shall be defrayed by said company.

SECTION 4. The third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, nineteenth, twentieth, twenty-first, twenty-second, twenty-fourth and twenty-fifth sections of the act passed the fourth day of April, eighteen hundred and thirty-three, entitled "An act to authorize the Governor to incorporate the Philadelphia and Reading railroad company," be and the same are hereby made a part of this act, made a part as fully and effectually as if the same had been enacted of this act. section by section: *Provided*, that the mode of ascertaining damages provided for in the twelfth section, shall be made *Proviso*. in the county where they occur; that the president and managers of the aforesaid company shall annually, on the Annual report to be first Monday of December, transmit to the Auditor General made to the Auditor General a full statement of their affairs, under oath, and shall pay annually into the treasury of the commonwealth, a tax of eight per cent. on all dividends which may exceed six per cent. on the capital stock paid in: That the legislature reserves the right to reduce the tolls authorized by the Right to reduce tolls and passage of this act, and reserves the right to purchase said road reserved road, with its appurtenances, at any time after twenty years from the passage of this act, by paying to said company a sum of money which, together with the tolls received, shall equal the costs and expenses of said railroad, with an interest of eight per centum thereon.

NER MIDDLESWARTH,

Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,

Speaker of the Senate.

APPROVED—The eighteenth day of May, Anno Domini, eighteen hundred and thirty-six.

JOS : RITNER.

No. 157.

An Act

Supplementary to an act entitled "An act to incorporate the Manufacturers' and Mechanics' bank of the Northern Liberties, in the county of Philadelphia," passed on the twenty-third day of April, Anno Domini, eighteen hundred and thirty-two.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That if the Manufacturers' and Mechanics' bank of the Northern Liberties in the county of Philadelphia, shall accept the provisions of this act, and advise the Governor of the same, under their corporate seal, within fifty days after the passage of the same, then the charter of the said bank shall be and hereby is continued and extended twenty years from the passage of this act, under its present conditions, stipulations, rights, and privileges, except so far as they are hereinafter altered or repealed; and the said bank shall have the right to increase its capital stock to the sum of six hundred thousand dollars, the additional stock to be divided into shares of fifty dollars each: *Provided,* That the said bank shall pay into the treasury of the commonwealth, within one year after the passage of this act, thirty thousand dollars, as a bonus for the rights and privileges hereby granted: *And provided further,* That the said bank shall be subject to the provisions of the twenty-fourth article of the act passed the twenty-fifth day of March, Anno Domini, eighteen hundred and twenty-four, entitled "An act to recharter certain banks": *Provided also,* That the whole amount of the additional stock shall be disposed of and paid in within two years from the passage of this act.

Charter extended 20 yrs

Right to increase capital stock.

Proviso.

2d Proviso.

NER MIDDLESWARTH,

Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,

Speaker of the Senate.

Certificate of becoming a law agreeably to the constitution. We do hereby certify, that the bill entitled "An act supplementary to an act entitled 'An act to incorporate the Manufacturers' and Mechanics' Bank of the Northern Liberties,' in the county of Philadelphia, passed on the twenty-third day of April, Anno Domini, eighteen hundred and thirty-two, was presented to the Governor on the first day of April, eighteen hundred and thirty-six, and was not returned within ten days (Sundays excepted) after it had been presented to him, nor within three days after the next meeting of the legislature.

thereafter, on the seventeenth of May, eighteen hundred and thirty-six, wherefore, it has, agreeably to the constitution of this commonwealth, become a law in like manner as if he had signed it.

SAML. SHOCK,

Clerk of the House of Representatives.

L. L. MINOR,

Clerk of the Senate.

Harrisburg, May 20th, 1836.

No. 158.

An Act

To recharter the Bank of Penntownship, in the county of Philadelphia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Session, that it is hereby enacted by the authority of the Senate and House of Representatives of the Commonwealth of Pennsylvania, that the bank of Penntownship in the county of Philadelphia, shall be and is hereby extended, tended 20 yrs for the term of twenty years from and after the passage of this act, under the same conditions, stipulations, rights and privileges, except so far as they are hereinafter altered or repealed.*

SECTION 2. That the said bank shall have the right to increase its capital stock to the sum of five hundred thousand dollars, the additional stock to be divided into shares of fifty dollars each, to be sold and disposed of by the said bank, at such times, and in such manner as its directors, at their discretion, may think fit and expedient: *Provided*, That all the said additional stock shall be paid in within two years from and after the passage of this act.

SECTION 3. That in case the said bank shall except of this charter, and advise the Governor of the same, under their corporate seal, within thirty days after the passage of this act, then the said bank shall pay into the treasury of the commonwealth the sum of thirty-three thousand dollars, one half on the first day of May next, and the other half on the

first day of May, eighteen hundred and thirty-seven, and shall be subject to the eight per cent. tax on dividends, according to the twenty-fourth article of the third section of an act entitled "An act to recharter certain banks," passed the twenty-fifth day of March, eighteen hundred and twenty-four.

NER MIDDLESWARTH,

Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,

Speaker of the Senate.

We do certify, that the bill entitled "An act to recharter the bank of Penntownship, in the county of Philadelphia," was presented to the Governor on the first day of April, eighteen hundred and thirty-six, and was not returned within ten days (Sunday's excepted) after it had been presented to him, nor within three days after the next meeting of the Legislature thereafter, on the seventeenth of May, eighteen hundred and thirty-six, wherefore, it has, agreeably to the constitution of this commonwealth, become a law in like manner as if he had signed it.

SAML. SHOCH,

Clerk of the House of Representatives.

L. L. MINOR,

Clerk of the Senate.

Harrisburg, May 20th, 1836.

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No. 159.

AN ACT

To correct an error in transcribing Act number one hundred and fifty-one.

It is enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That the following words, to wit: "its vicinity as they may from time to time find expedient, and also with the right to extend the same, so as to form a junction with the Williamsport and Elmira railroad, at such part thereof as they may find practicable, having due regard to the situation

May connect
with the
Williamsport
and Elmira
railroad co.

the nature of the ground, and of the buildings thereon, the public convenience, and the interest of the stockholders, and so as to do the least damage to private property; and the said road shall not pass through any burying ground nor place of public worship, nor any dwelling house, without the consent of the owner thereof, nor shall it pass through any out building of the value of three hundred dollars without such consent, and the said president, managers and company shall, within six months after ascertaining the route of the said railroad, cause an accurate survey of the lines of the said road to be made, a map or plot of which survey they shall cause to be filed in the Secretary's office of this state, which map or plot, or a certified copy thereof, shall be sufficient evidence of the course of said road, which may then be opened, and all the expenses incurred thereby shall be defrayed by said company;"

omitted by mistake in transcribing an act passed the second day of April, one thousand eight hundred and thirty-six, entitled "An act to incorporate the Towanda and Franklin railroad company," shall be added to, and deemed and taken to be incorporated in the fifth section of the said act, and shall be printed in their proper place in said section.

Map or plot to be filed in Secretary's office.

This act made a part of the act incorporating Towanda and Franklin railroad comp'y.

NER MIDDLESWARTH.

Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,

Speaker of the Senate.

APPROVED—The twenty-fifth day of May, Anno Domini, one thousand eight hundred and thirty-six.

JOS: RITNER.

No. 160.

An Act

Authorizing the laying out of certain State Roads, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the*

- authority of the same,* That Adam Wilt and William Cory junior, of Juniata county, and Henry Lawyer of Perry county, be and they are hereby appointed commissioners to view, lay out and mark a state road, beginning at Coffman's mill in Perry county, thence by the nearest and best route so as to intersect the public road leading from Liverpool to Mifflintown, on the lands of Hugh M'Allister, in Greenwood township, Juniata county; that Alexander Wright of Mercer county, Enoch Marvin, and William Adair of Beaver county, be and they are hereby appointed commissioners to review that part of the state road leading from Mercer in Mercer county, to Georgetown in Beaver county, that is located between the borough of New Castle in Mercer county, and the Mahoning creek in Beaver county, and if they shall find it necessary and advisable, they are hereby authorized and required to relocate the said road on other ground, and vacate such part or parts of the said road as they shall alter or supply, by a new location, and the said commissioners shall be allowed one dollar and fifty cents each per day for every day necessarily spent in performing the duties hereby enjoined on them, which, together with all reasonable expenses for surveyors and any other necessary hands, shall be paid by orders drawn by the County Commissioners on the treasury of their respective counties; and that Joseph Hutchinson and Thomas Smith of the county of Northumberland, and William A. Petriken and Samuel Shoemaker of the county of Lycoming, be and they are hereby appointed commissioners to view, lay out and mark a state road from Watsonsburg in the county of Northumberland, thence by the nearest and best route to the borough of Muncy, in the county of Lycoming.
- SECTION 2.** That Joel Evans and James Ogden of Delaware county, and Richard M. Barnard and Samuel Irwin of Chester county, be and they are hereby appointed commissioners to view, lay out and mark a state road, beginning at the road leading from the city of Philadelphia to Chadd's ford, at or near Isaac Hall's, in Nether Providence township, Delaware county, thence by Chadd's ford and New London cross roads, and continue in a direction towards the city of Baltimore, to the Maryland state line, in Chester county.
- SECTION 3.** It shall be the duty of the said commissioners respectively, for a majority of them, appointed to view as aforesaid, after having been sworn or affirmed before some justice of the peace, who shall file and preserve the same in his office, to perform the duties enjoined on them by this act with impartiality and fidelity, carefully to view the ground over which the road by them laid out may pass, and lay out the same as near to a straight line between the aforesaid points as the nature of the ground and circumstances will permit, and so that the vertical departure from a horizontal
- Commissioners to lay out state road.** Perry county
- Commissioners.** Mercer and Beaver co.
- Commissioners.** Northumberland and Lycoming co.
- Commissioners.** Chadd's ford, Delaware co. to Maryland state line.
- Location of road.**

No. 162:

A n A c t

To incorporate the Lyken's Valley Coal company, in Dauphin county, Pennsylvania, and to authorize the opening of a road in Honesdale, Wayne county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Simon Gratz, Samuel Richards, S. Gratz and Henry Sheaffer, George H. Thomson, and Charles Rockland others constituted a body and they are hereby constituted a body politic and corporate, by the name and style of "The Lyken's Valley Coal company, in Dauphin county, Pennsylvania," for the more convenient ownership and working of coal mines in this commonwealth, and the transacting the usual business of companies engaged in the mining, transporting and selling of coal and the other products of coal mines, and the said corporation, by the said name, is hereby declared and made capable in law to sue and be sued, to plead and be impleaded, to have a common seal, and the same to alter and renew at pleasure, to make rules and by-laws for the regulation and management of said corporation, consistent with the laws of this commonwealth, and generally to do and execute whatever by law shall appertain to such body politic.

SECTION 2. The said corporation shall have the right to hold, possess and enjoy, not exceeding two thousand acres of land, in the counties of Dauphin and Perry, in the commonwealth of Pennsylvania, and such lot or lots of land, not exceeding four acres in any one place, as may be found convenient as places of deposit, in the transportation and sale of the products of their mines, and that the whole amount of the capital stock shall not exceed in value three hundred thousand dollars, and shall be divided into shares of fifty dollars each share, which capital shall be employed in purchasing and holding the lands aforesaid, and in constructing buildings, cars, wagons, vessels, boats, and such other improvements and machinery as may be necessary or useful for the mining and transporting of coal, the product of their mines, and for the general purposes of said company; every member of said company shall have a certificate, under the seal of the corporation, made and attested in such manner and form as the by-laws shall direct, certifying his property in the share or shares owned by him, and the stock of said company shall, in the nature of personal property, be

Vacancies—
how filled.

Gettysburg
and Hagerstown
turnpike road.

Viewers ap-
pointed to ad-
judge dama-
ges sustained
by J. Fussel-
man, G. Rea-
gan and Mag-
dalena Stine.

Report to be
made to the
court of Q. S.

as practicable, and if any vacancy or vacancies shall happen, by resignation or any other cause, the court of Quarter Sessions of the proper county, as the case may be, are hereby authorized to fill the vacancy or vacancies by a suitable appointment.

SECTION 7. The commissioners of the Gettysburg and Hagerstown turnpike road company, shall have full power to locate and contract for the making of said Gettysburg and Hagerstown turnpike road; and James Barnes, William Cooper, Samuel Fahnestock, George Little, George W. McClelland, and R. W. Middleton, and George Irwin, shall be commissioners in addition to those already created for the purpose.

SECTION 8. That on the written application of Jacob Fusselman, George Reagan, and Magdalena Stine, of Albany township, in the county of Berks, or either of them, if the same shall be made within one year after the passage of this act, the judges of the court of Quarter Sessions of said county, are hereby authorized to appoint six disinterested men to view and adjudge the amount of damages (if any) sustained by the said Jacob Fusselman, George Reagan, and Magdalena Stine, or either of them, in consequence of a state road leading from the Union Iron works in Berks county, to Fogelsville in the county of Lehigh, passing through the county of Berks, having been laid out and carried through the lands of the said Jacob Fusselman, George Reagan, and Magdalena Stine, situate in Albany township in the county of Berks, and if the said viewers, or any five of them, after ten days notice thereof, given to the commissioners of Berks county, shall view the said lands, and any four of them shall agree as to the amount of damages sustained, the said viewers so agreeing shall make report of their proceedings to the next court of Quarter Sessions of said county, and if the court shall approve of the same, the commissioners of the county shall draw their several warrants on the treasurer of the same county, in favor of Jacob Fusselman, George Reagan, and Magdalena Stine, for the amount so awarded to them respectively, but if the viewers shall neglect to perform the duties required of them, or if the court shall disapprove of their report, they shall, as often as the case may require, appoint other viewers, who shall proceed therein in manner aforesaid, and it shall be the duty of the viewers in assessing damages, to take into consideration the advantages derived by said Jacob Fusselman, George Reagan, and Magdalena Stine respectively, from the said passing through their lands; and before entering on the duties herein prescribed, they shall take and subscribe an oath or affirmation, before some justice of the peace, faithfully and impartially to perform the same, which oath or affirmation so taken and subscribed, shall accompany their proceedings, and be filed in the office of the clerk of the court of Quarter Sessions of the county of

Berks: *Provided*, That no person who was a petitioner for Proviso. the passage of the law authorizing the laying out of said road, shall be entitled to receive compensation or damage under the provision of this act.

SECTION 9. That the town council of the borough of Borough of Lebanon. Lebanon, be and they are hereby authorized and empowered to open an alley or court-way in said borough, commencing at a point on the east side of Doe alley, in the southern part of said borough, on the line of lots of Henry Dehuff, and the heirs of John M'Gundle, deceased, said lot of Henry Dehuff being numbered one hundred and sixty in the general plan of said borough, thence an easterly direction along the line of said lots, and lots numbered one hundred and sixty-one, one hundred and sixty-two, one hundred and seventy-four, one hundred and seventy-three, one hundred and seventy-two, one hundred and seventy-one, and seven, in the general plan of said borough, and the lot of the heirs of John M'Gundle, deceased, in a line with Hill street, until it intersects Peason alley, on the south-east corner of lot number seven in the plan of said borough.

SECTION 10. That David Hanna of the county of Lycom- Commissioners. ing, Joseph F. Quay and Jacob Bolinger of the county of to run line Centre, be and they are hereby appointed commissioners for between the the purpose of running and marking the division line between counties of the counties of Centre and Lycoming, beginning at the Centre and mouth of Fishing creek, thence down the south side of Bald Lycoming. Eagle creek to the Bald Eagle bridge, thence to the dividing ridge between Nittany valley and N-panose, so as to include all Nittany valley in Centre county, thence a direct course to the Tea spring, near the east end of Sugar valley, agreeably to an act passed the seventh day of January, one thousand eight hundred, and also to an act passed the twenty-third day of March, one thousand eight hundred and eighteen.

SECTION 11. That the supervisors of the township of Peters town- Peters in the county of Franklin, are hereby authorized and ship, Frank- required to dig out and make a sufficient turn in the state lin county. road leading from Hunter's Mill in Bedford county, to Samuel Toms in Franklin county, at the place where said state road intersects the Waynesburg, Greencastle and Mercersburg turnpike road, and the said supervisors are hereby authorized to vary the location of said state road, so far as may be necessary to effect said turn.

SECTION 12. That David Petriken, Edward M. Henry, Commissioners. and Clement G. Bechetts, of the county of Columbia, be to lay out and they are hereby appointed commissioners to view, lay state road in out and mark a state road from Kiles' tavern on the Berwick Columbia co and Tioga turnpike, thence by the nearest and best route through Rohrsburg, to Orangville in the county of Columbia.

SECTION 13. It shall be the duty of the said commissioners, or a majority of them, appointed to view as afore-

- Location of road.** said, after having been sworn or affirmed by some justice of the peace, who shall file and preserve the same in his office, to perform the duties enjoined on them by this act with impartiality and fidelity, carefully to view the ground over which the said road may pass, and lay out the same, as near to a straight line between the afore-said points, as the nature of the ground and circumstances will permit, so that the vertical departure from a horizontal line in no point exceed three degrees; and further, it shall be the duty of the said commissioners to mark upon the ground the route agreed upon, in such manner as to enable the supervisors readily to find the same, and for the purpose of fulfilling the duties by this act enjoined, the commissioners herein mentioned, shall receive a per diem allowance of one dollar and fifty cents for every day they shall be necessarily employed in performing the duties of this act, and in case any of the said commissioners shall perform the duties of surveyor, he shall receive fifty cents per day in addition, and the said commissioners are hereby authorized to employ one surveyor, at one dollar and fifty cents per diem, two chain-bearers, and one axe-man, at a per diem allowance not exceeding seventy-five cents.
- Commissioners' pay.**
- Surveyor's pay.**
- Draft to be made.** SECTION 14. And it shall be the duty of the said commissioners to make out a fair and accurate draft of the location of said road, the courses and distances, as they occur, with such other matters as may serve for explanation. one copy whereof shall be deposited in the office of the Secretary of this commonwealth, on or before the first day September next, and one copy in the office of the clerk of the court of Quarter Sessions of the county of Columbia, on the day aforesaid, or as much sooner as practicable, which shall be a record thereof, and from thenceforth the said road shall be in all intents and purposes a public highway, and shall be opened and repaired as other roads laid out by order of the courts.
- Where deposited.**
- County commissioners' town pay, and for the pay of surveyors, chain-bearers, and adjust acc'ts. axe-man,** SECTION 15. The accounts of the commissioners for their town pay, and for the pay of surveyors, chain-bearers, and adjust acc'ts. axe-man, shall be audited by the commissioners of the county of Columbia, and paid by the Treasurer thereof, on warrant drawn by the commissioners of the county aforesaid.
- Time of meeting.** SECTION 16. The commissioners shall meet on or before the first Monday of May next, or sooner if practicable, at such place or places as a majority of them may agree upon, and complete the said work as soon as possible, and if any vacancy or vacancies shall happen by resignation or otherwise, the court of Quarter Sessions of the county of Columbia are hereby authorized to fill the vacancy or vacancies.
- Vacancies how filled.**
- Commissioners of Centre co. authorized to subscribe.** SECTION 17. The commissioners of the county of Centre are hereby authorized to subscribe on behalf of said county, to the stock of the Bald Eagle, Nittany and Brush valley

turnpike road company, any sum not exceeding one thousand dollars, to be expended in the construction of said road.

SECTION 18. That the provisions of the act entitled "An Charter of act to establish the Bank of Middletown," passed the ninth Middletown, day of June, eighteen hundred and thirty-two, and the pro-Gettysburg visions of an act entitled "An act to recharter certain and North'd. banks," passed the twenty-third day of April, A. D. one banks exten- ded 15 years thousand eight hundred and twenty-nine, so far as the same relates to the bank of Gettysburg, and the provisions of an act entitled "An act to establish a bank at Northumberland, in Northumberland county, &c." passed the first day of April, eighteen hundred and thirty one; and the said banks shall be subject to the tax imposed by an act relative to banks, passed the first day of April, eighteen hundred and thirty-five, be and they are hereby extended for the further term of fifteen years.

SECTION 19. That Samuel Evans, John Morrison, and Commission- Dennis Springer of the county of Fayette, be and they are ers to lay out hereby appointed commissioners to view, lay out, and mark state road a state road, leading from the national road at or near the borough of Uniontown, or the town of Monroe, in the county Fayette co. of Fayette, by the nearest and best route to the Virginia state line, in the direction of Morgantown in the state of Virginia.

SECTION 20. It shall be the duty of the said commissioners, or a majority of them, appointed to view as aforesaid, after having been sworn or affirmed before some justice of the peace, who shall file and preserve the same in his office, to perform the duties enjoined on them by this act with impartiality and fidelity, carefully to view the ground over which the road by them laid out may pass, and lay out the Location of same as near to a straight line between the aforesaid points road. as the nature of the ground and circumstances will permit, and so that the vertical departure from a horizontal line shall in no point exceed five degrees, except at the crossing of ravines and streams, where by moderate filling and bridging, the declination of the road may be preserved within that limit; and further, it shall be the duty of the said commissioners to have due regard to the crossing of waters, the nature of the ground, and damages to private property, and all other circumstances that may effect the route, so that a judicious combination of them, the route adopted may best promote the public good, and that they shall clearly and distinctly mark upon the ground the route agreed upon, in such a manner as to enable the supervisors readily to find the same, and for the purpose of fulfilling the duties by this act enjoined, the commissioners herein Pay of com- mentioned shall receive a per diem allowance of two dollars missioners & each for every day they shall be necessarily employed in surveyor.

performing the duties of this act; and in case any of the said commissioners shall perform the duties of surveyor, he shall receive fifty cents per day in addition, and the said commissioners are hereby authorized to employ one surveyor, at two dollars per day; two chain bearers, and one axe man, at a per diem allowance not exceeding seventy-five cents.

Time of meeting.

Vacancies—
how filled.

Draft to be made.

Where to be deposited

Commiss'rs.

of Fayette to
adjust acc'ts

Releases to
be taken.

Proviso.

Commission-
ers to lay out
road in Nor-
thumberland
county.

SECTION 21. The said commissioners shall meet on or before the first Monday in August next, or soon thereafter as practicable, at such places as a majority of them shall agree upon, (and complete the location of said road as soon as practicable,) and if any vacancy or vacancies shall happen by resignation, or any other cause, the Governor, or the court of Quarter Sessions of Fayette county, as the case may be, are hereby authorized to fill the vacancy or vacancies by a suitable appointment.

SECTION 22. It shall be the duty of the commissioners to make out a fair and accurate draft of the location of said road, noting thereon the courses and distances as they occur, the improvements passed through, and also the crossing of township lines, roads and waters, with such other matters as may serve for explanation, one copy whereof shall be deposited in the office of the Secretary of the Commonwealth, on or before the first day of January next, and one copy in the office of the clerk of the court of Quarter Sessions of the county of Fayette, on the day aforesaid, or as much sooner as practicable, which shall be a record thereof, and from thenceforth the said road shall be to all intents and purposes a public highway, and shall be opened and repaired in all respects as roads are opened and repaired which are laid out by orders of the courts aforesaid.

SECTION 23. The accounts of the commissioners for their own pay, and for the pay of surveyors, chain carriers, and markers, shall be adjusted by the commissioners of the county of Fayette, and paid by the treasurer thereof, on warrants drawn in the usual way.

SECTION 24. It shall be the duty of the said commissioners to take from each and every person or persons owning lands along the road by them laid out, acquittances or releases from any claim or damages: *Provided*, Such releases can be obtained upon the condition that such road shall pass through such person or persons' land or lands, and file the same in the commissioners' office of the county of Fayette.

SECTION 25. Ezra S. Hayhunt, John Fruit and John Achenbaugh, of the county of Columbia, be and they are hereby appointed commissioners to view, and if they deem it expedient, lay out and mark a state road, beginning at or near the house of John Stucker, in said county, thence through Rohrsersburg and Jerseytown, to the borough of Milton, in the county of Northumberland, under the several

provisions and restrictions contained in the third, fourth, fifth and sixth sections of this act.

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The twenty-fifth day of May, Anno Domini, eighteen hundred and thirty-six.

JOS. RITNER.

No. 161.

An Act

Authorizing the Governor to incorporate the New Castle Railroad company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Francis M'Bride, Samuel A. Purviance, John Bredin, George W. Reed, George Potts, William Steward, William Beatty, Joseph Emory, Joseph T. Boyd, Andrew Lewis, John Mitcheltree, James Banks, John Fisher, Robert W. Stewart, Amos Waugh, Thomas J. Porter, Jefferson Duncan, James R. Wick, Alexander Waugh, Armstrong Irwine, John B. Pearson, John Galloway, William Watson, Samuel Wylie, and William Shaw, be and they are hereby appointed commissioners to do and perform the several things hereinafter mentioned, that is to say: they, or any five of them, shall procure a sufficient number of suitable books, and in each of them enter as follows, viz: "We and each of us whose names are hereunto subscribed, do promise to pay to the directors of the New Castle railroad company, the sum of fifty dollars for every share of stock set opposite to our respective names, and by us respectively subscribed, in such manner and proportions, and at such times and places as shall be determined and directed by the said directors, in pursuance of an act entitled 'An act authorizing the Governor to incorporate the New Castle

Commissioners
Form of subscription

**\$5 to be paid
on each share**

When letter patent may issue.

Privileges.

railroad company;’ Witness our hands, the day of
 , Anno Domini one thousand eight hundred and
 thirty- ;” and shall thereupon give at least twenty days
 be previous notice, in one or more newspapers printed in the
 counties of Beaver, Butler, and Mercer, in the state of
 Pennsylvania, and in one or more newspapers printed in
 the counties of Trumbull and Ashtabula, in the state of
 Ohio, of the times when and the places where some one or
 more of the aforesaid commissioners will attend, and receive
 subscriptions from all persons of lawful age who shall offer
 to subscribe in said books, which shall be kept open for the
 purpose aforesaid, at least six hours in every juridical day,
 for the space of three days, or until there shall be subscribed
 in the said books four thousand shares; and if at the
 expiration of three days, the books aforesaid shall not have
 the number of shares aforesaid therein subscribed, then the
 said commissioners, at their discretion, may adjourn from
 time to time, and transfer the books elsewhere, until the
 whole number of shares aforesaid shall be subscribed, of
 which adjournment and transfer, the commissioners aforesaid
 shall give such public notice as the occasion may seem to
 require, but no subscriptions shall be valid, unless the per-
 sons so subscribing shall pay to the said commissioners at
 the time of making the same, the sum of five dollars on
 each share, for the use of the company.

SECTION 2. When five hundred shares or more shall be
 actually subscribed, and five dollars on each share paid to
 said commissioners, the said commissioners, or a majority of
 them, shall certify the same, under oath or affirmation, to the
 Governor of this commonwealth, and on the receipt of such
 certificate, the Governor shall, by letters patent, under his
 hand and the seal of the commonwealth, create and erect the
 subscribers, and if the subscription be not full at the time, then
 those also who shall thereafter subscribe to the whole num-
 ber of shares aforesaid, into a body corporate and politic, in
 deed and in law, by the name, style and title of “The
 Newcastle Railroad company,” and by the same name the
 subscribers shall have perpetual succession, and all the privi-
 leges, franchises and immunities incident to a corporation,
 may sue and be sued, implead and be impleaded, in all courts
 of record and elsewhere, may purchase, receive, have, hold
 and enjoy, to them and their successors and assigns, lands,
 tenements and hereditaments, goods, chattels, and all estates,
 real, personal or mixed, of what kind or quality soever, and
 the same from time to time may sell, mortgage, grant, alien
 and dispose of, and make dividends of such portions of the
 profits as they may deem proper, and also may make and
 have a common seal, and the same alter or renew at pleasure,
 and generally to do all and singular, the matters and things
 which to them it shall lawfully appertain to do for the well

being of the said corporation, and the due management and ordering of the affairs and business of the same: *Provided*, *Proviso*. That nothing herein contained shall be so considered and construed, as giving to the said corporation any banking privileges, or any other liberties, privileges or franchises, but such as may be necessary or incident to the making and maintaining the said railroad, and to the conveyance of passengers, and the transportation of goods, merchandise and commodities thereon.

SECTION 3. That the third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, nineteenth, twentieth, twenty-first, twenty-second, twenty-fourth and twenty-fifth sections of the act passed the fourth day of April, eighteen hundred and thirty-three entitled "An act to authorize the Governor to incorporate the Philadelphia and Reading railroad company," be and the same are hereby made part of this act the same as though they had been enacted section by section: *Provided*: That the mode of ascertaining damages, provided for in the twelfth section, shall be made in the county where they occur. *Proviso*.

SECTION 4. The said company be and they are hereby authorized as soon as they conveniently can, to locate and construct a railroad, of one or more tracks, from the termination at the Ohio state line, of the railroad to be constructed by the "Conneaut and Beaver Railroad company," incorporated by the legislature of Ohio, at such suitable point as may be determined upon by the president and directors of the said "Newcastle Railroad company," and the president and directors of the said Conneaut and Beaver railroad company, by the shortest and most practicable route, to a point at or near the town of Newcastle, in Mercer county, and the said railroad may be intersected by any railroad constructed, or to be constructed, by a company incorporated or to be incorporated, by the legislature of this state, at any point, and use the said road upon the same terms as to tolls, that the same is used by the Newcastle company, and the said Newcastle company shall have power to make, construct and erect such toll houses, and all other works and appendages necessary for the convenience of the said Newcastle railroad company, in the use of the said railroad. *Location of road*. *Said road may be intersected by any railroad*.

SECTION 5. If any increase of the capital stock be deemed necessary by the stockholders to complete the said railroad, or to lay another track, it may be lawful for the said president, managers and company, at a stated or special meeting convened for the purpose, to increase the number of shares, so that they shall not in the whole exceed six thousand, and to receive and demand the money for shares so subscribed, in like manner, and under like penalties as are hereinbefore *Capital stock may be increased*.

provided for the original subscription, or shall be provided for by their by-laws.

Rights may be resumed and tolls regulated by the legislature.

Annual statement to Auditor General.

Right to purchase reserved.

SECTION 6. If at any time said company shall misuse or abuse any of the privileges hereby granted, the legislature may resume all and singular, the rights and privileges hereby granted to said company; and the legislature reserves the right to reduce and regulate the tolls hereby authorized; that the president or secretary of the said company shall annually, on the first Monday in December, transmit to the Auditor General a full statement of the affairs of said company, under oath, and shall pay annually into the treasury of the commonwealth, a tax of eight per centum on all dividends which may exceed six per centum on the capital stock actually paid in.

SECTION 7. This state shall have the power, after the expiration of twenty years from the passage of this act, to purchase and hold the railroad aforesaid, by paying to said corporation therefor, the amount expended by said corporation in locating and constructing the same, together with six per centum interest thereon, after deducting all the nett tolls and profits of the property of said corporation, of which cost an accurate account shall be kept, and verified by the oath or affirmation of the president of said company, be transmitted to the Auditor General, within six months after the said road shall be opened for the transportation; and an annual account of the tolls and profits, and the expenses of said company, shall be kept and made to the Auditor General in the same manner.

NER MIDDLESWARTH,

Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,

Speaker of the Senate.

APPROVED—The thirty-first day of May, Anno Domini, one thousand eight hundred and thirty-six.

JOS: RITNER.

No. 162:

A n A c t

To incorporate the Lyken's Valley Coal company, in Dauphin county, Pennsylvania, and to authorize the opening of a road in Honesdale, Wayne county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Simon Gratz, Samuel Richards, S. Gratz and Henry Sheaffer, George H. Thomson, and Charles Rockland others constituted a body and they are hereby constituted a body politic and corporate, politic. by the name and style of "The Lyken's Valley Coal company, in Dauphin county, Pennsylvania," for the more convenient ownership and working of coal mines in this commonwealth, and the transacting the usual business of companies engaged in the mining, transporting and selling of coal and the other products of coal mines, and the said corporation, by the said name, is hereby declared and made capable in law to sue and be sued, to plead and be impleaded, Privileges & to have a common seal, and the same to alter and renew at liabilities. pleasure, to make rules and by-laws for the regulation and management of said corporation, consistent with the laws of this commonwealth, and generally to do and execute whatever by law shall appertain to such body politic.

SECTION 2. The said corporation shall have the right to Not to hold hold, possess and enjoy, not exceeding two thousand acres of more than land, in the counties of Dauphin and Perry, in the common- 2000 acres of wealth of Pennsylvania, and such lot or lots of land, not land. exceeding four acres in any one place, as may be found convenient as places of deposit, in the transportation and sale of the products of their mines, and that the whole amount of the capital stock shall not exceed in value three hundred Capital stock thousand dollars, and shall be divided into shares of fifty not to exceed dollars each share, which capital shall be employed in \$300,000. purchasing and holding the lands aforesaid, and in constructing buildings, cars, wagons, vessels, boats, and such other improvements and machinery as may be necessary or useful for the mining and transporting of coal, the product of their mines, and for the general purposes of said company; every member of said company shall have a certificate, under the Certificates seal of the corporation, made and attested in such manner of shares. and form as the by-laws shall direct, certifying his property in the share or shares owned by him, and the stock of said company shall, in the nature of personal property, be

Transferable assignable and transferrable, according to such rules as the board of directors shall establish, and no stockholder indebted to the company, shall be permitted to make a transfer, or receive a dividend, until such debt is discharged, or security given for the same to the satisfaction of the board of directors.

When letters patent may issue.

SECTION 3. When the above named Simon Gratz, Samuel Richards, Henry Sheaffer, George H. Thomson, Charles Rockland Thomson, and their associates, shall have subscribed the whole number of shares aforesaid, and actually paid and expended not less than fifty per cent. in money in purchasing lands, and such other investments as are authorized by the second section of this act, for the uses and purposes of said company, the Governor, on evidence thereof, shall, by letters patent, under his hand and seal of the state, create and erect the said Simon Gratz, Samuel Richards, Henry Sheaffer, George H. Thomson, Charles Rockland Thomson, and their associates, successors and assigns, into

Style & title.

one body politic and corporate, in deed and in law, by the name, style and title of "The Lyken's valley coal company in Dauphin county, Pennsylvania.

Directors to be chosen annually.

SECTION 4. The affairs of the company shall be managed by five directors, to be chosen annually, from the stockholders, by the majority of the votes, given either in person or by proxy; the first election shall be held in the city of Philadelphia, within thirty days after letters patent shall have issued, of which public notice shall be given by three or more of the stockholders named in the first section of this act, at least two weeks previous, in one or more newspapers printed in Philadelphia and Harrisburg, and the subsequent elections shall be held annually, at such convenient time and place as the directors shall appoint, of which previous public notice shall be given by the president of the company, at least thirty days.

Powers of directors.

SECTION 5. The directors, as soon as conveniently may be after their election, shall meet at such time and place as may be designated by a majority of them, and choose by ballot, one of their number for president, to serve for one year, or until superseded by a new election, they shall also have power to appoint other officers and agents to conduct and prosecute the business of said company, in such manner as they shall deem necessary and proper; at all meetings of the board, three directors shall form a quorum to transact business, and minutes of all their proceedings, and regular accounts of all their transactions, as well as minutes of the proceedings of the stockholders at each of their meetings, shall be duly recorded in books, to be kept for those purposes, and shall be exhibited for inspection at all meetings of the stockholders, and the said directors shall declare and pay annually to the stockholders, or their legal representa-

Dividend to be declared annually.

tives, a dividend of such part of the nett profits of said company as to them shall appear advisable and expedient.

SECTION 6. The directors aforesaid may from time to time, at any meeting, assess upon each share of stock such sum of money not exceeding fifteen per cent., as shall be judged necessary for the uses and purposes of the company, to be paid at such time and place, and to such person as said directors may authorize to receive the same, and if after thirty days public notice, in one or more newspapers printed in the city of Philadelphia, and at least one newspaper printed in Dauphin county, of the time and place of payment of any proportion or instalment of said capital stock, any stockholders shall neglect to pay his instalment, at the time appointed, for thirty days after the time so designated, the amount previously paid may be forfeited to the company, and the stock aforesaid may be sold to any person, for such price as can be obtained for the same.

SECTION 7. The said company shall make an annual Report to be report, under oath of the president, to the legislature, and as soon as they shall have made a dividend exceeding fifteen per cent., shall pay an annual tax of eight per cent. on all dividends made above that amount.

SECTION 8. The legislature reserves the right to revoke, alter or amend the charter hereby granted, at any time hereafter: *And provided*, That nothing herein contained shall be construed as in any way giving to the said company any banking or trading privileges, or any other privileges but such as are provided by the first section of this act.

SECTION 9. This act may continue in force for the term of fifteen years from the passage thereof, and no longer, unless the same be sooner repealed, in pursuance of the eighth section of this act.

SECTION 10. That the recorder of deeds for the city and county of Philadelphia, be and he is hereby authorized and required to cause to be made fair transcripts of all indexes of deeds, or mortgages, in his said office, which may be required to be transcribed, and to complete, as soon as possible, the indexes in arrear in his office, the expense thereof to be paid by warrants drawn by the County Commissioners, and for the purpose of making the said copies, the said recorder shall have full power to employ and at pleasure dismiss such additional clerks as may have been employed, or as he may deem expedient to employ.

SECTION 11. That for every search hereafter to be made by the said recorder of deeds, he shall be entitled to receive, if the same extends beyond ten years, twenty-five cents, and twenty-five cents for every ten years beyond twenty years.

SECTION 12. That the select and common councils of the city of Pittsburg, shall have power in determining the location of a street, to be called Duquesne way, authorized to

be located and opened in the said city, by the act to which this is a supplement, to alter the course of the same, for the distance contained between the eastern boundary line of the said city and the bridge erected at the end of St. Clair street, in such manner as they shall deem most conducive to the interests of said city.

Honesdale,
Wayne Co.

SECTION 13. That the public road leading from Cherry ridge to the borough of Honesdale, from its present termination at the line of said borough, to the main street or road, near Mrs. Steward's house, is hereby declared a public highway.

SECTION 14. If the borough authorities of Honesdale shall neglect or refuse to open the said road within six months from the passage of this act, then, and in that case, it shall and may be lawful for the supervisors of Dyberry township to open the said road, the expense of which shall be recovered of the burgess and council of Honesdale, as sums of like amount are now by law recoverable.

A. J. Kelso.

SECTION 15. That the Treasurer of the Commonwealth be and he is hereby authorized, to pay to Albert J. Kelso or his order, ninety-seven dollars and eighty-five cents, money overpaid by said Kelso in patenting out-lots numbers four hundred and fourteen and four hundred and fifteen, adjoining the town of Erie.

NER MIDDLESWARTH,
Speaker of the House of Representatives.
THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The third day of June, Anno Domini, one thousand eight hundred and thirty-six.

JOS : RITNER.

No. 163.

An Act

For the relief of Massey Harbeson, widow of a soldier of the Indian war.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in*

neral Assembly met, and it is hereby enacted by the authority of the same, That the State Treasurer be and he hereby authorized and required to pay to Massey Harbeson Armstrong county, or to her order, a gratuity of forty dollars immediately, and an annuity of forty dollars annually, payable half yearly, to commence on the first day of July next, and to be paid in conformity with the existing laws.

NER MIDDLESWARTH,

Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,

Speaker of the Senate.

APPROVED—The fourth day of June, Anno Domini, one thousand eight hundred and thirty-six.

JOS: RITNER.



No. 164.

An Act

entitled **A supplement to an act dividing the borough of Easton into two wards.**

WHEREAS, by an act entitled “An act establishing and altering certain election districts, and for other purposes,” passed the fifteenth day of April, in the year of our Lord one thousand eight hundred and thirty-five, the borough of Easton, in the county of Northampton, is for certain purposes divided into two wards, called Lehigh ward and Bushkill ward: *And whereas*, it is expedient that each of said wards should separately elect its own assessors and constable:

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That Lehigh ward in the borough of Easton shall elect its own assessors and constable, and that Bushkill ward in the borough aforesaid, shall elect its own assessors and constable, subject to the same regulations that*

now are or may be hereafter prescribed by the laws of this
commonwealth in relation thereto.

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The tenth day of June, Anno Domini, one
thousand eight hundred and thirty-six.

JOS: RITNER.



No. 165.

An Act

To authorize a temporary loan for the use of the commonwealth.

Loan not ex-
ceeding
\$200,000.

Reimbursa-
ble within
one year.

SECTION 1. *Be it enacted by the Senate and House of
Representatives of the Commonwealth of Pennsylvania in
General Assembly met, and it is hereby enacted by the
authority of the same,* That the Governor be, and he is
hereby authorized to negotiate a temporary loan on the credit
of the commonwealth, not to exceed two hundred thousand
dollars, at an interest of not more than four per centum per
annum, as in his opinion may be most advantageous, to pay
debts contracted previous to the first day of February, one
thousand eight hundred and thirty-six, for the repairs and
new work on finished lines of the canals and railways of this
commonwealth, and the sum or sums of money so borrowed,
shall be vested in the commissioners of the internal improve-
ment fund, and applied for the above purpose, reimbursable
within one year after the passage of this act, out of any
money in the treasury not otherwise appropriated.

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The tenth day of June, Anno Domini, eighteen
hundred and thirty-six.

JOS: RITNER.

No. 166

An Act

consolidate and amend the several acts relative to a general system of education by common schools.

- SECTION 1.** *Be it enacted by the Senate and House of representatives of the Commonwealth of Pennsylvania in general Assembly met, and it is hereby enacted by the authority of the same,* That every township, borough or School district, in this commonwealth, not within the city and incorporated districts of the county of Philadelphia, shall constitute a school district: *Provided,* That any borough which is or may be connected with a township in the assessment of county taxes and levies, shall with the said township form a district.
- SECTION 2.** Annually, at the same time and place that elections are held for supervisors and constable, and in wards and boroughs, at the time and place of the borough election, and in like manner, two persons shall be elected school directors for each district, whose term of office shall be three years, and the persons so elected shall be notified thereof within five days, by the judges of said election: *Provided,* That in districts where directors have not been elected, or new districts, which may be established by the division of township, or otherwise, six directors shall be elected in each district at the first election, two to serve one year, two to serve two years, and two to serve three years.
- SECTION 3.** Within twenty days after said election, each board of school directors shall organize, by choosing a president and secretary out of their own body; they shall also appoint a treasurer for the district, and shall require him to give sufficient security to insure the faithful performance of his duty, they shall also have power to fill any vacancy which may occur in their board by death, resignation, or otherwise, until the next election, when such vacancy shall be filled by electing a person to supply the same.
- SECTION 4.** The school directors of every school district which has adopted the common school system, or which hereafter adopt the same, shall annually, on or before the first Monday of May, authorize to be levied such an amount of tax on said district as they may think necessary for school purposes, not less than equal to, nor more than the amount which the district is entitled to receive of the annual state appropriation, and for the purpose of raising any additional sum that may be deemed necessary, meetings shall be called of the taxable inhabitants of the township or district, by the directors, on the first Tuesday

of May annually, notice of the time and place of holding such meeting being first given, by at least six advertisements, put up in the most public places in such township or district, for the space of two weeks, a majority of whom shall decide by ballot, how much and what additional sum shall be raised for school purposes, and any additional sum so authorized, shall be assessed and collected, paid over and distributed, in the same manner that is provided for by this act.

Assessors to furnish a correct copy of the last valuation.

SECTION 5. The assessor of every ward, township, or borough composing any school district as aforesaid, shall upon demand, furnish the school directors of the district with a correct copy of the last adjusted valuation in the same for county purposes, whereupon the board of directors shall on or before the first day of June, annually, proceed to levy and apportion the said tax as follows, viz:

Poll tax.

First. On each male taxable inhabitant of the district, a poll tax, at their discretion, not exceeding fifty cents.

Tax on officers, posts of profit, &c.

Second. On all officers and posts of profit, professions, trades and occupations, and on all single freemen above the age of twenty-one years, who do not follow any occupation not exceeding the amount assessed on the same for county purposes.

Personal property.

Third. On personal property which was made taxable by an act entitled "An act assessing a tax on personal property to be collected with the county rates and levies, for the use of the commonwealth," passed the twenty-fifth day of March one thousand eight hundred and thirty-one, and the said property shall continue to be assessed according to the provisions of said act, and upon all property now taxable for county purposes: *Provided,* That said act taxing personal property, shall not be so construed as to make widows dowry liable to the payment of taxes.

Proviso.

Duplicate to be made out.

SECTION 6. When the school tax is so levied and apportioned in any district, the secretary of the board of directors shall make out a correct duplicate of the same, and the president of the board shall issue his warrant, with the duplicate aforesaid, to the township or borough collector, or to some other suitable person residing within the district to collect the said tax, and shall require from him sufficient security to insure the faithful discharge of his duty, and the board of directors of each district shall have the right at all times, to make such abatement or exonerations for mistaken indigent persons, unseated lands, &c. as to them shall appear just and reasonable, and the secretary of the board shall enter in a book or books, to be kept by him for that purpose, the names of all persons so abated or exonerated, together with the reasons for such exonerations.

Abatement may be made in certain cases.

Collection of taxes.

SECTION 7. The said collector shall have like powers to enforce the payment of the school tax, as collectors of county rates and levies have to enforce the payment of the same.

and shall receive the like compensation for his services from time to time, as the said tax is collected; the collector of the district shall pay the amount over to the district treasurer, and shall settle up his duplicate on or before the time fixed upon in the warrant of the president: *Provided*, That if the tax so levied on unseated lands, shall not be voluntarily paid by the owner or owners thereof, the district collector shall certify the same to the county commissioners, and the said county commissioners shall enforce the collection thereof, in the same manner as the collection of the taxes on unseated lands is enforced, when assessed for county purposes, and when so collected, the same shall be paid to the district treasurer for the time being, by orders drawn by the said commissioners on the county treasurer. Proviso.

SECTION 8. The school directors of every school district which shall have adopted the common school system, shall perform the following duties in addition to those above specified.

I. They shall, if they deem it expedient, divide their districts into sub-districts, and shall establish a sufficient number of common schools for the education of every individual above the age of four years, in the district, who may apply, either in person or by his or her parents, guardian, or next friend, for admission and instruction, and shall keep the said schools open at least six months in every year, if they shall have funds for that purpose. Duties of school directors.

II. They shall cause suitable buildings to be erected, rented or hired for school houses, and supply the schools with fuel. Buildings.

III. They shall exercise a general supervision over the schools of their respective districts, and fix the amount of the salaries of the teachers. Supervision.

IV. They shall pay all necessary expenses of the schools, by orders drawn on the district treasurer, signed by the president and countersigned by the secretary of the board. Expenses.

V. Each board of directors, by one or more of their number, shall visit every school within their district, at least once in every month, and shall cause the result of said visit to be entered on the minutes of the board. Visit.

VI. Whenever it may be necessary or convenient to establish one or more schools out of two or more adjoining districts, the school directors of such adjoining districts may establish and regulate such schools, and the expense thereof shall be paid as may be agreed upon by the directors of said adjoining districts. Adjoining districts.

VII. They shall annually, on or before the first Monday in January, make a report to the Superintendent of the common schools, setting forth the number and situation of the schools in their district, the character of the teachers, designating whether they are males or females, the number

and sex of the scholars admitted during the year, the branches of study taught in each school, the number of months in the year during which each school shall have been kept open, the cost of school houses, either for building, renting or repairing, and all other expenses which may have been incurred in maintaining the schools of their districts, together with such other information as may be beneficial in forming a just estimate of the value of common schools.

Not to receive pay.

VIII. No school director or treasurer shall receive any pay or emolument whatever for his services as such, but he shall be exempt during the time he continues to perform the duties of his office from military duty, or from serving in any borough or township office.

Meeting of voters in sub-districts

IX. When the school directors shall have divided the several districts into sub-districts, for separate schools, the voters of each sub-district may meet, on notice being given, for ten days at least, signed by not less than four voters of said district, and choose a committee of three of their number to serve for one year, who shall have the appointment of the teacher for such sub-district.

Designate to the place of instruction.

X. The directors of each school district shall have the power to direct in which of the schools so established in pursuance of this act, the individuals in said district who may be admitted, shall be instructed.

District not divided.

XI. In case the school directors deem it inexpedient to divide their district into sub-districts, or in case the voters of any sub-district shall neglect or refuse to elect a committee as provided for in the ninth article of this section, then the duties of said committee shall devolve on and be performed by the school directors.

Duties of treasurer.

SECTION 9. The district treasurer shall receive all moneys belonging to the district, whether the same be derived from appropriations by the state, district taxes, private donations, or otherwise, and shall pay out the same, on orders drawn by the president and attested by the secretary of the board of directors, by order of the board, and his accounts shall be audited and adjusted as accounts of townships and boroughs are directed by law to be audited and adjusted.

Secretary of the commonwealth to be Superintendent.
Duties.

SECTION 10. The Secretary of the Commonwealth shall be Superintendent of the common schools, and shall perform the following duties :

I. Prepare suitable blank forms, with necessary instructions for making districts reports, and for conducting the necessary proceedings under his jurisdiction, and shall cause the same, together with all such information as he may deem necessary, for the further improvement of the schools, to be transmitted to the commissioners of the several counties, for distribution among the several boards of directors, at the same time and in the same manner as the pamphlet laws of this

commonwealth are transmitted, and at such other times and in such other manner as he may think expedient.

II. Prepare and submit an annual report to the legislature, Annual report containing a statement of the condition of the common port. schools throughout the commonwealth, estimates and expenditures, plans for the improvement of the common school system, and all such matters relating to his office of Superintendent, and the concerns of common schools, as he shall deem it expedient to communicate.

III. He shall sign all orders on the State Treasurer for the payment of monies to the treasurers of the several school districts, but no order shall be drawn by him in favour of any district treasurer, until he shall have been furnished with a certificate, signed by the president and attested by the secretary of the board of directors of the district, that a sum at least equal to the amount of the district's share of the annual state appropriation of two hundred thousand dollars, has been levied on said district for school purposes.

IV. If any controversy should arise among the directors of any district or adjoining districts, concerning the duties of their office, the distribution of the state appropriation, or the levying and collection of taxes, he is hereby authorized to settle and adjust the same, without cost to the parties, and all monies reasonably expended by him in this and other matters appertaining to the execution of his duty as Superintendent, shall, upon due proof, be allowed to him by the Auditor General, and be paid out of the state treasury.

V. He shall annually in the month of February, transmit to the commissioners of each county, a statement of the amount every district therein, that has, and every district that has not adopted the common school system, may be entitled to receive out of the annual appropriation of two hundred thousand dollars, and the commissioners shall immediately cause such statement to be published three times in one or more newspapers printed in said county: *Provided*, that nothing in any section of this act shall be so construed as to deprive the districts which have not adopted the common school system of their due proportion of the common school fund, until after the first of November, eighteen hundred and thirty-eight.

SECTION 11. One hundred thousand dollars in addition to the one hundred thousand dollars payable by the Bank of the United States, both of which sums to be accounted and distributed as the state appropriation, are hereby appropriated out of the school fund for the year one thousand eight hundred and thirty-seven, and a like sum annually thereafter, which shall be apportioned among the several school districts of this commonwealth, and the city and county of Philadelphia,

Subject to the drafts of the superintendent. according to their number of taxable inhabitants, but ~~shall~~ only be subject to the drafts of the Superintendent of common schools, agreeably to the provisions of this act: *Provided*, That the balance of appropriation made under the act entitled "An act to establish a general system of education by common schools," passed the first day of April, one thousand eight hundred and thirty-four, and the supplement thereto, and the balance of the first appropriation of one hundred thousand dollars, which shall remain undrawn on the first day of November, one thousand eight hundred and thirty-seven, and all subsequent balances, shall remain in the treasury, and accumulate for the use of such district or districts entitled to the same, for any term not exceeding one year from and after the first day of November, one thousand eight hundred and thirty-seven, and all such undrawn balance remaining in the treasury on the first day of November, one thousand eight hundred and thirty-eight, shall be repaid into the school fund, and in like manner, the undrawn balance of subsequent appropriations shall be repaid into the said fund annually thereafter.

President of directors to certify to superintendent the amount of tax and name of treasurer of the district. SECTION 12. As soon as the president of the board of directors of any school district shall have issued his warrant for the collection of a school tax, agreeably to the sixth section of this act, he shall certify the same, stating the amount of such tax, and also the name of the district treasurer, to the Superintendent of common schools, who shall forthwith draw his warrant on the State Treasurer for the whole amount such district is entitled to receive.

Annual meeting of districts which have not adopted the common school system. SECTION 13. The school directors of every school district which shall not have adopted the common school system, shall annually call a meeting of the qualified citizens of the district on the day of election for directors, to be held at the usual place of holding township, ward, or borough elections, by at least six advertisements, put up in the most public places in the district, for the space of two weeks; and the said meeting shall be organized between the hours of one and four o'clock, P. M. on the said day, by appointing a president, and the secretary of the board of directors, or in his absence some other member of the board, shall perform the duties of secretary to the meeting; when the meeting is so organized, the question of establishing the common school system in the district shall be decided, by ballot, and the said president and secretary shall perform the duties of tellers to the meeting, and shall receive from every person residing within the district qualified to vote at the general election, a written or printed ticket, containing the word "schools," or the words "no schools," and shall continue without interruption or adjournment, until the electors who shall come to the said election shall have opportunity to give in their respective votes, and the said

Manner of voting.

tellers shall count the votes, and if a majority shall contain the word "schools," the secretary shall certify the same to the board of directors of the district, who shall proceed to establish schools therein, agreeably to the provisions of this act, but if a majority shall contain the words "no schools," the secretary shall certify the same to the county commissioners of the proper county; and the school directors of every school district which may have adopted the common school system may, if they deem it expedient, call a meeting of the qualified citizens of the district on the first Tuesday in May, in the year eighteen hundred and thirty-seven, and on the same day in every third year thereafter, to be held at the usual place of holding township, ward, or borough elections, at which time and place an election shall be held, to decide by ballot, whether the common school system shall be continued or not; the notice for holding said meetings, and the time for and manner of holding said elections, to be in conformity with the preceding part of this section, and should there by a majority of the taxable inhabitants of said district in favour of "no schools," the secretary shall certify the same to the county commissioners of the proper county, and the operation of the common school system shall be suspended in said district, until such time as a majority of the citizens shall otherwise decide.

SECTION 14. The school directors of every school district in which the common school system has been adopted, or shall hereafter be adopted, shall have power to purchase and hold real and personal property, which may be necessary for the establishment and support of said schools, and the same to sell, alien and dispose of, whenever it shall be no longer required for the uses aforesaid, and in all cases where real estate is held by trustees, for the general use of the neighbourhood, as a school house or its appendages, it shall be lawful for the said trustees, the survivor or survivors of them, to convey the same to the school directors aforesaid, and from thenceforth the said board shall hold the said property, for the same term and for the same uses for which it was granted to said trustees.

SECTION 15. School directors elected under the provisions of former acts; shall severally hold their offices during the term for which they were elected, and all appropriations authorized by former acts, whether by the state or county, and all taxes authorized to be raised for school purposes, shall be collected as they would have been collected if this act had not been passed.

SECTION 16. The county commissioners of every county within this commonwealth, except the county of Philadelphia, when levying a tax for county purposes, shall estimate the amount which will be required to educate the poor gratis, in the several districts of their county which shall have rejected

the common school system, and when an estimate is so made, they shall levy the amount on said districts, and collect the same in the usual manner, and shall continue to provide for the education of the poor gratis therein, agreeably to the provisions of an act entitled "An act to provide for the education of the poor gratis," passed the fourth day of April, one thousand eight hundred and nine, or such special acts of assembly as may be in force in any of the counties where there may be districts rejecting the provisions of this act. *Provided*, That the whole expense thereby incurred, shall be paid out of the amount levied on said districts as aforesaid.

Bequests to schools.

SECTION 17. Where a school is or shall hereafter be endowed, by bequest or otherwise, the board of directors of the district in which such school is located, are hereby authorized to allow such school to remain under the immediate direction of the regularly appointed trustees of the same, and to appropriate so much of the district school fund to said school as they may think just and reasonable: *Provided*, That such school shall be generally conducted in conformity with the common school system of this commonwealth.

Proviso.

Acts of 1st April, 1834, & 15th April, 1835, repealed.

Proviso.

SECTION 18. The act entitled "An act to provide for a general system of education by common schools," and also the supplement thereto, passed the fifteenth day of April, Anno Domini, eighteen hundred and thirty-five, are hereby repealed: *Provided*, That every thing heretofore done in pursuance of said acts, shall be held valid.

City of Lancaster.

SECTION 19. If the corporation of the city of Lancaster shall at any time adopt the common school system, agreeably to the provisions of this act, then the act to provide for the education of children at the public expense, in the city and incorporated boroughs of the county of Lancaster, passed the first day of April, one thousand eight hundred and twenty-two, and the supplement thereto, passed the first day of April, one thousand eight hundred and twenty-three, shall from the time of the adoption of the common school system in said city, be inoperative, null and void.

Accepting districts whose delegate failed to attend the convention entitled to the same privileges as those who have.

Proviso.

SECTION 20. In all cases where, under "An act to provide for a general system of education by common schools," and also the supplement thereto, passed the fifteenth day of April, Anno Domini, one thousand eight hundred and thirty-five, the directors of any district may have met and decided to accept of the laws, and have appointed a delegate to attend the county convention, for the purpose of accepting and carrying into effect the provisions of said law, but if from any cause said delegate has failed to attend said convention, said township shall be entitled to all the benefits and provisions thereof, on the same terms and conditions as those who have literally complied are entitled: *Provided*, said delegation shall, on or before the first day of August next, record the

vote of said township in the affirmative, with the clerk of the convention.

SECTION 21. The school year mentioned in this act, and in School year an act entitled "An act to provide for a general system of to end on the education by common schools," and the supplement thereto, first Monday passed the fifteenth day of April, one thousand eight hundred of June. and thirty-five, shall be taken and understood to end on the, first Monday of June; to wit: the school year of one thousand eight hundred and thirty-seven, will end on the first Monday of June of that year, and so of all other years.

SECTION 22. Immediately after the passage of this act, Copy of this the Superintendent of common schools shall cause circular act to be sent letters, with a printed copy of this act attached thereto, to to county be addressed to the county commissioners of every county, commiss'rs. and it shall be the duty of the commissioners aforesaid, to cause the same to be published in one and not more than Commission- three newspapers in the county, for three successive weeks, ers to publish, and the expense thereof shall be defrayed out of the county and how. treasury, and the said Superintendent shall also cause this act to be printed in pamphlet form, and shall forward to the county commissioners of each county a number of copies thereof, equal to the number of school directors in their county, to be distributed among the several boards of directors.

SECTION 23. The act and its supplements now in operation City & coun- in the city and county of Philadelphia, entitled "An act to ty of Phila. provide for the education of children at the public expense, within the city and county of Philadelphia," are declared to be concurrent with the provisions of this act, and are in nowise to be considere.d as altered, amended or repealed, except so far that the said city and county shall be entitled to receive their due proportion and share of the annual state appropriation of two hundred thousand dollars: *Provided*, Proviso. That the controllers of the public schools, for the city and county of Philadelphia, be and they hereby are authorized, whenever they shall think proper, to establish one central high school, for the full education of such pupils of the public schools of the first school district, as may possess the requisite qualifications, and the monies expended in the establishment and support of the said high school, shall be provided and paid in the same manner as is now or shall hereafter be directed by law, with respect to the other public schools of the said district: *And provided further*; That so 2d Proviso. much of the tenth section of the act of March the third, A. D. eighteen hundred and eighteen, as renders the exclusive use of the Lancasterian system in the first school district obligatory upon the controllers and directors, and all such provisions (if any) in the said act and the several supplements thereto, as limits the benefits of the said public schools, to the children of indigent parents, and so much of any act as

All children is hereby altered or supplied, be and the same are hereby over four yrs. repealed, and in said public schools, all children over four of age to be years of age shall be admitted. admitted.

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The thirteenth day of June, Anno Domini, one thousand eight hundred and thirty-six.

JOS: RITNER.

No. 167.

An Act

Relating to the tolls on that part of the Cumberland road which passes through Pennsylvania, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That all wagons, carriages, or other modes of conveyance, passing upon that part of the Cumberland road which passes through Pennsylvania, carrying goods, cannon, or military stores, belonging to the United States, or to any individual state of the Union, which are excepted from the payment of toll by the second section of an act passed the fourth of April, Anno Domini, eighteen hundred and thirty-one, shall extend only so far as to relieve such wagons, carriages, and other modes of conveyance, from the payment of toll to the proportional amount of such goods so carried, belonging to the United States, or to any of the individual states of the Union, and that in all cases of wagons, carriages, stages, or other modes of conveyance, carrying the United States mail, with passengers or goods, such wagon, stage or other mode of conveyance shall pay half toll upon such modes of conveyance.

Second section of act of 4th April, 1831, to be extended only to property belonging to the U. S. and individual states.

U. S. Mail.

SECTION 2. That if any person or persons whosoever, owning, riding in, or driving any sulky, chair, chaise, phaeton, cart, wagon, stage, or sleigh, or any carriage of burden or

pleasure, or riding or leading any horse, mare or gelding, or driving any sheep, hogs, or other cattle, shall force them through the gate established on said road, or shall pass through any private gate or way near any toll gate erected, or hereafter to be erected, with intent to defraud the state, and avoid payment of toll for passing through such gate, or if any person or persons shall with such intent, take off, or cause to be taken off, any horse, mare, or gelding, or other cattle, from any sulky, chair, chaise, phaeton, cart or wagon, or other carriage of burden or pleasure, or practice any other fraudulent means or device, with the intent that the payment of any such toll or duty may be avoided or lessened, all and every such person or persons, in all and every or any of the ways or manners aforesaid, offending, shall for every such offence respectively, forfeit and pay to the commissioners of the commonwealth, any sum not exceeding ten dollars, to be sued for and recovered with costs of suit, before any justice of the peace, in like manner, and subject to the same rules and regulations as debts of a similar amount may now or hereafter be sued for and recovered.

SECTION 3. The president and directors of the Delaware county insurance company, and the president and directors of the Southward fire insurance company, of the county of Philadelphia, shall have full power and authority, in the name and on behalf of their respective companies, to make all kinds of marine insurance, and all kinds of insurance upon the inland transportation of goods, wares and merchandise, by water or by railway, upon the same terms, and under like restrictions as the American insurance company of Philadelphia are authorized to make under their act of incorporation, passed the eighteenth day of March, Anno Domini, one thousand eight hundred and thirty-one, except so far as the same relates to the payment in of the capital stock.

SECTION 4. That James Patterson, Ovid Pinney, Thomas Thornley, A. W. Townsend, Robert Townsend, Thomas Henry, James Allison, John English, Benjamin Adams, Milo Adams, Enock Marvin, John Clark, C. T. Whippo, Edward Hoops, Samuel C. Atkinson, E. K. Chamberlin, John A. Scroggs, N. P. Fetterman, Joseph T. Boyd, John Dickey, Thomas Biddle, John B. Trever, John Moss, Thomas S. Cunningham, and Isaac Leet, be and they are hereby appointed commissioners for receiving subscriptions to the stock of a company to be denominate "The Beaver county insurance company," who shall open a book for that purpose in the borough of Beaver, at the time and place by them to be appointed, and of which they shall give public notice, in all the newspapers published in the said county of Beaver, for three successive weeks, immediately preceding the time of opening the book as aforesaid, and the said book

Who may
subscribe.

shall be kept open for three days, from ten o'clock A. M. till three o'clock P. M. on each day, or until the number of one thousand shares, at fifty dollars per share, shall be subscribed, after which the books shall be closed, and all persons of lawful age shall be permitted to subscribe to the said stock, by paying five dollars on each share at the time of subscribing, and on the first day on which said book shall be opened, no person shall be permitted, in his own name or in the name of any other person, to subscribe for more than twenty shares, but if the whole of the said stock shall not then have been subscribed, the commissioners shall, on the following day, permit any person to subscribe for any number of the shares remaining: *Provided*, That if the whole number of shares shall not have been subscribed within the time before mentioned and limited, the said commissioners shall have power to re-open the said book, at such times and places as they shall deem expedient, and continue the same open until the whole number shall have been subscribed:

Proviso.

2d Proviso.

And provided also, That all acts which the said commissioners are authorized to do, shall be as effectual and valid if performed by a majority of them, or by a committee appointed by such majority, as if performed by them all.

When patent
may issue.

SECTION 5. When two thousand shares of the capital stock as aforesaid shall have been subscribed, and at least five dollars per share paid in, the said commissioners shall certify to the Governor, under their hands and seals, the names of the subscribers, and the number of shares by them subscribed respectively, and the Governor shall thereupon, by letters patent, under his hand and the seal of the state, erect and create the subscribers, into a body politic and corporate, in deed and in law, by the name, style and title of "The Beaver county insurance company," to be located in the said county of Beaver, by which name and title the said subscribers shall have perpetual succession, and shall be able to sue and be sued, plead and be impleaded, in all courts of record and elsewhere, and to purchase, receive, have, hold, use, occupy, possess and enjoy, to them and their successors, lands, tenements, and hereditaments, goods, and chattels, of what nature, quality or kind soever, real, personal or mixed, or choses in action, and the same from time to time to sell, assign, demise, grant, alien, or dispose of: *Provided*.

Style & title.

Proviso.

That the yearly income of the real estate so held, except such as shall be necessary and convenient for the transaction of its business, or which may be conveyed to said company for the security or in payment of any debt which may become due or owing to the same, or in satisfaction of any judgment of any court of law in its favour, shall not exceed the sum of five thousand dollars; and the said company shall have authority to make, have and use a common seal, and the same at pleasure to break, alter and renew.

Seal.

SECTION 6. The capital stock of the said company may ~~May increase~~ be increased hereafter, to any sum not exceeding eight ~~capital stock.~~ thousand shares, of fifty dollars each, if circumstances require it, and two-thirds of the stockholders at any of their regularly convened meetings so order, which increase shall be effected in such manner, and on such terms as said two-thirds of the stockholders shall direct; the said company ~~Act of 15th~~ shall have all the powers, authority and privileges, and be ~~April extend-~~ subject to all the restrictions of the act with its supplements, ~~ed to this~~ entitled "An act to incorporate the Philadelphia fire and ~~company.~~ inland navigation insurance company," passed the fifteenth day of April, one thousand eight hundred and thirty-five.

SECTION 7. That the rector, wardens and vestrymen of ~~St. Andrew's~~ Saint Andrew's church at Springville, Susquehanna county, church, shall be and they are hereby erected into one body politic and Springville, corporate, in deed and in law, by the name, style and title ~~Susquehanna~~ of "The rector, wardens and vestrymen of Saint Andrew's ~~co. incorpor-~~ church," and the said corporation shall have and exercise ~~ated.~~ Provisions of all the powers and privileges, and be subject to all the ~~act incorpor-~~ restrictions, granted and imposed upon the rector, wardens ~~ating St.~~ and vestrymen of the Episcopal church of Saint Paul's ~~Paul's ch'rch~~ in Beaver county, by an act passed the fourteenth day of ~~Beaver co. ex-~~ April, eighteen hundred and twenty-seven: *Provided*, That ~~tended to this~~ Arod Wakely and Thomas Nicholson shall be church ward- church. ens, and Mark Scott, Myram Kesson, Abel Casseday, Albert Braidsley, David Wakely, Amos Williams, and Daniel B. Avery, shall be vestrymen, to continue in office one year and till others are elected, agreeably to the by-laws of the said corporation.

SECTION 8. Whenever it shall be necessary for the presi- ~~Franklin rail~~ dent and managers of the Franklin railroad company, to ~~road comp'y.~~ enter in, upon, and occupy, for the purpose of making said railroad, any land upon which the same was to be located, if the owner or owners of the said lands shall refuse to permit such entry and occupation, and the parties cannot agree upon the compensation to be made for any injury or supposed injury that may be done to said land by such entry and occupation, it shall and may be lawful for the parties to appoint six suitable and disinterested persons to estimate ~~Viewers to~~ said damages, who shall be under oath or affirmation, fairly ~~estimate~~ and impartially to estimate the same, and shall reside in the ~~damages.~~ proper county where the land lies, and the expenses incurred ~~Expenses of~~ by the said appraisers shall be defrayed by the said railroad ~~appraisers to~~ company; but if the parties cannot agree upon such persons, ~~be paid by~~ or if the persons so chosen shall not decide upon the matter, ~~company.~~ or if the owner of land shall refuse or neglect to join in such appointment, within twenty days after the requisition ~~When parties~~ for that purpose upon him, or if such owner shall be feme ~~cannot agree~~ covert, under age, non compos mentis, out of the state, or ~~the court to~~ unknown, then it shall be lawful for the court of Common ~~appoint.~~

- Pleas of the county in which the land lies, on application of either party, and at the costs and charges of said corporation, to appoint six disinterested men of said county to view, examine and survey the said lands, tenements and hereditaments, and estimate the injury or damages, if any, that in their apprehension will be sustained as aforesaid, by reason of said railroad, and report the same, under their oath or affirmation, to the said court, which report being confirmed by the said court, judgment shall be entered thereon, and the viewers shall be entitled to the like fees for their services as are allowed by law to viewers of public roads and highways, to be paid by said company, and it shall be the duty of said appraisers in estimating said injury or damages, to take into consideration the advantages that will be derived to the owner or owners of the said lands from the said railroad: *Provided*, That either party may appeal to the court within thirty days after such report has been filed in the prothonotary's office of the proper county, in the same manner as appeals are allowed by the provisions of the arbitration act of the year one thousand eight hundred and ten, and upon the coming in of said report, and the confirmation thereof, or upon final judgment or appeal therefrom; and the said company paying to such owner the sum in such report or judgment specified, in full compensation for said lands, or for the injury sustained as aforesaid, and they and all who act under them, shall be acquitted and freed from all responsibility for and on account of such injury: *Provided*, That upon the appeal of either party, the said president and managers of said company, their agents or contractors for making or repairing the said road, may immediately take and use the same, without awaiting the issue of proceedings, as are heretofore prescribed: *Provided*, That upon appeal by the said company, security shall be given to pay the amount, which shall be finally awarded against it: *Provided also*, That the eleventh section of the aforesaid act, entitled "An act to incorporate the Franklin railroad company," is hereby repealed.
- 2d Proviso.** That upon the appeal of either party, the said president and managers of said company, their agents or contractors for making or repairing the said road, may immediately take and use the same, without awaiting the issue of proceedings, as are heretofore prescribed: *Provided*, That upon appeal by the said company, security shall be given to pay the amount, which shall be finally awarded against it: *Provided also*, That the eleventh section of the aforesaid act, entitled "An act to incorporate the Franklin railroad company," is hereby repealed.
- 3d Proviso.** That upon the appeal of either party, the said president and managers of said company, their agents or contractors for making or repairing the said road, may immediately take and use the same, without awaiting the issue of proceedings, as are heretofore prescribed: *Provided*, That upon appeal by the said company, security shall be given to pay the amount, which shall be finally awarded against it: *Provided also*, That the eleventh section of the aforesaid act, entitled "An act to incorporate the Franklin railroad company," is hereby repealed.
- 4th Proviso.** That upon the appeal of either party, the said president and managers of said company, their agents or contractors for making or repairing the said road, may immediately take and use the same, without awaiting the issue of proceedings, as are heretofore prescribed: *Provided*, That upon appeal by the said company, security shall be given to pay the amount, which shall be finally awarded against it: *Provided also*, That the eleventh section of the aforesaid act, entitled "An act to incorporate the Franklin railroad company," is hereby repealed.
- Pittsburg Farmers' and Mechanics' Turnpike road comp'y.** SECTION 9. That the Pittsburg Farmers and Mechanics Turnpike road company, be and are hereby authorized to construct that portion of the road lying next to the city of Pittsburg, and for the distance of two miles from said city, of stone, and the remainder of such materials as may be found in the vicinity of said road; and that when the aforesaid two miles of said road are completed, and approved by the commissioners, to be for that purpose appointed, under the provisions of the act incorporating said turnpike road company, the said company shall be allowed to take toll thereon, and to increase the tolls on that portion, and the remainder of the road, when completed, by adding to the rates already prescribed for the said company: *Provided*,
- When allowed to take & increase the tolls.**

That the same shall never be higher than will enable the *Proviso.* said company to divide five dollars in each year, upon every hundred dollars of said stock, after defraying necessary expenses and repairs.

SECTION 10. That it shall be lawful for the commissioners, Supplement or a majority thereof, named in the first section of the act to Franklin entitled "An act to incorporate the Franklin Bank of bk. of Wash- Washington," approved the ninth day of March, A. D. ington. eighteen hundred and thirty-six, to which this section is supplementary, to sell four thousand shares of the capital 4000 shares stock of the said bank, and the remaining two thousand to be sold. shares thereof shall be sold in the mode prescribed in the said act, under the direction of the president and directors of the said bank, and at such times and places as they may appoint: *Provided*, That at least one hundred thousand *Proviso.* dollars of the capital stock of the said bank shall be paid in within six months after the said bank shall go into operation, and any provision contained in said act, inconsistent herewith, shall be and hereby is repealed.

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The thirteenth day of June, A. D., eighteen hundred and thirty-six.

JOS. RITNER.

No. 168.

An Act

Relating to the support and employment of the poor.

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An act relating to the support and employment of the poor.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That it shall be the duty of the overseers of every district, from time to time, to provide as is hereinafter directed, for every poor person within the district, having a settlement therein, who shall apply to them for relief.

SECTION 2. If such poor person be able to work, but cannot find employment, it shall be the duty of the overseers to provide work for him, according to his ability, and for

for this purpose, they shall procure suitable places, and a sufficient stock of materials.

SECTION 3. It shall be lawful for the overseers of any district, with the concurrence and under the directions of the supervisors of the township, to employ such poor person being a male of sufficient ability, in opening or repairing any road or highway within the district.

SECTION 4. If such poor person by reason of age, disease, infirmity, or other disability, be unable to work, it shall be the duty of the overseers to provide him with the necessary means of subsistence.

SECTION 5. It shall also be the duty of the overseers of every district, to furnish relief to every poor person within the district not having a settlement therein, who shall apply to them for the relief, until such person can be removed to the place of his settlement.

SECTION 6. No person shall be entered on the poor book of any district, or receive relief from any overseers, before such person, or some one in his behalf, shall have procured an order from two magistrates of the county for the same, and in case any overseer shall enter in the proper book, or relieve such poor person without such order, he shall forfeit a sum equal to the amount or value given, unless such entry or relief shall be approved of by two magistrates as aforesaid.

SECTION 7. It shall be lawful for the overseers of every district, to contract with any person for a house or lodging for keeping, maintaining and employing such poor persons of the district as shall be adjudged proper objects of relief, and there to keep, maintain, and employ such poor persons, and to receive the benefit of their work and labour, for and towards their maintenance and support, and if any poor person shall refuse to be kept and employed in such house, he shall not be entitled to receive relief from the overseers during such refusal.

SECTION 8. It shall be lawful for the overseers of every district, with the approbation and consent of two or more magistrates of the same county, to put out as apprentices all poor children whose parents are dead, or by the said magistrates found to be unable to maintain them, so as that the time or term of years of such apprenticeship, if a male, do expire at or before the age of twenty-one years, and if a female, at or before the age of eighteen years.

SECTION 9. A settlement may be gained in any district:—
E. By any person who shall come to inhabit in the same, and who shall for himself and on his own account, execute any public office, being legally placed therein, during one whole year.

II. By any such person who shall be charged with and pay his proportion of any public taxes or levies for two years successively.

III. By any person who shall *bona fide* take a lease of any real estate of the yearly value of ten dollars, and shall dwell upon the same, for one whole year, and pay the said rent.

IV. By any person who shall become seized of any freehold estate within such district, and who shall dwell upon the same, for one whole year.

V. By any unmarried person not having a child, who shall be lawfully bound or hired as a servant within such district, and shall continue in such service during one whole year.

VI. By any person who shall be duly bound an apprentice by indenture, and shall inhabit in the district with his master or mistress for one whole year.

VII. By any indented servant, legally and directly imported from Europe into this commonwealth, who shall serve for the space of sixty days in the district into which he shall first come: *Provided*, That if such servant shall afterwards duly serve in any other district for the space of twelve months, either with his first employer or his assignee, he shall obtain a legal settlement in such other district.

VIII. By any mariner coming into this commonwealth, and by any other healthy person coming directly from a foreign country into the same, if such mariner or other person shall reside for the space of twelve months in the district in which he shall first settle and reside.

SECTION 10. Every married woman shall be deemed, during coverture, and after her husband's death, to be settled in the place where he was last settled; but if he shall have no known settlement, then she shall be deemed, whether he be living or dead, to be settled in the place where she was last settled before her marriage.

SECTION 11. Every illegitimate child shall be deemed to be settled in the place where the mother was legally settled at the time of the birth of such child.

SECTION 12. If the last place of settlement of any person who shall have become chargeable, shall be in any township which shall have been divided by the authority of the laws, such person shall be supported by that township within the territory of which he resided at the time of gaining such settlement.

SECTION 13. It shall be the duty of every house-keeper who shall receive into his house any person who has not gained a legal settlement in some part of this commonwealth, (all mariners coming into this Commonwealth, and every other healthy person coming from a foreign country immediately into this commonwealth only excepted,) within ten

days after receiving such person, to give notice thereof in writing, to the overseers of proper district.

SECTION 14. If any house-keeper shall fail to give notice as aforesaid, and if the person so received shall become poor and unable to maintain himself, and cannot be removed to the place of his last legal settlement in any other state, if any such he hath, such house-keeper shall be obliged to provide for and maintain such poor person, and in case of the death of such poor person without leaving wherewithal to defray the expense of his funeral, such house-keeper shall pay the overseers so much as they shall reasonably expend for such purpose.

SECTION 15. If such house-keeper shall refuse to pay the charges aforesaid, the overseers shall assess upon him the amount necessary to maintain such poor person, weekly, or such sum as shall be necessary to pay such funeral charges, and shall have power to collect the same by warrant of distress, but if such delinquent shall have no goods or chattels liable to distress, he may be committed to jail, there to remain until he shall have paid the same, or shall be otherwise legally discharged.

SECTION 16. On complaint made by the overseers of any district to one of the magistrates of the same county, it shall be lawful for the said magistrate, with any other magistrate of the county, where any person has or is likely to become chargeable to such district into which he shall come, by their warrant or order, directed to such overseers, to remove such person at the expense of the district, to the city, district or place where he was last legally settled, whether in or out of Pennsylvania, unless such person shall give sufficient security to indemnify such district to which he is likely to become chargeable as aforesaid.

SECTION 17. *Provided*, That it shall not be lawful, by virtue of any order of removal, to separate any wife from her husband.

SECTION 18. It shall be the duty of the guardians or overseers of the city or district to which such poor person may be removed, by warrant or order as aforesaid, to receive such poor person, and if any such guardian or overseer shall refuse or neglect so to do, he shall forfeit for every such offence the sum of twenty dollars, to be recovered as hereinafter provided, and applied to the use of the poor of the district from which such poor person may be removed as aforesaid.

SECTION 19. *Provided always*, That any person aggrieved by any such order of removal, may appeal to the next court of Quarter Sessions, for the county from which such poor person may be removed, and not elsewhere, and if there be any defect of form in such order, the said court shall cause the same to be amended, without cost to the party.

and after such amendment, if the same be necessary, shall proceed to hear and determine the cause upon its truth and merits; but no such cause shall be proceeded in, unless reasonable notice shall have been given by the party appellant, to the overseers of the district from which the removal shall have been made, the reasonableness of which notice shall be determined by the said court, at the session to which the appeal may be made, and if it shall appear to them that reasonable notice was not given, they shall adjourn the appeal to their next session, and then determine the same.

SECTION 20. For the more effectual preventing of vexatious removals and frivolous appeals, the court of Quarter Sessions, upon every appeal in a case of settlement, or upon proof being made before them of notice thereof, as aforesaid, (though the appeal be not afterwards prosecuted,) shall at the same session, order to the party in whose behalf such appeal shall be determined, or to whom such notice did appear to have been given, such costs and charges as the said court shall consider reasonable and just, to be paid by the overseers or other person against whom such appeal shall be determined, or by the person that gave such notice; and if the court shall determine in favor of the appellant, that such poor person was unduly removed, they shall at the same session, on demand, award to such appellant, so much money as shall appear to them to have been reasonably paid, by the city or district appellant, towards the relief of such poor person, between the time of such undue removal and the determination of such appeal, with costs, as aforesaid.

SECTION 21. If any person, ordered to pay costs or charges as aforesaid, other than overseers as aforesaid, shall live out of the jurisdiction of such court, it shall be the duty of any magistrate of the county in which such person shall reside, on request to him made, and on the production of a copy of such order, certified under the seal of such court, to issue his warrant to levy the same by distress, and if no sufficient distress can be had, to commit such party to the common jail, there to remain without bail or mainprise, until such costs or money be paid, or until he be otherwise legally discharged.

SECTION 22. If any overseer be ordered to pay costs or charges as aforesaid, and the township liable therefor be out of the jurisdiction of such court, it shall be the duty of the court of Quarter Sessions of the county in which such township is situate, on request to them made, and on the production of a copy of such order, certified under the seal of the court making the same, to compel payment of such costs and charges, according to law.

SECTION 23. If any person shall come out of any city or district in this commonwealth into any other district, and shall happen to fall sick or die before he have gained a settlement therein, so that he cannot be removed, the overseers of such district shall, as soon as conveniently may be, give notice to the guardians or overseers of the city or district where such persons had last gained a settlement, or to one of them, of the name, circumstances and condition of such poor person, and if the guardians or overseers to whom such notice shall be given, shall neglect or refuse to pay the monies expended for the use such poor person, and to take order for relieving and maintaining him, or in case of his death before such notice could be given, shall on request made, neglect or refuse to pay the monies expended in maintaining and burying such poor person, in every such case it shall be the duty of the court of Quarter Sessions of the county where such poor person was last settled, upon complaint to them made, to compel payment by such guardians or overseers, of all such sums of money as were necessarily expended for such purpose, in the manner directed by law, in the case of a judgment obtained against overseers.

SECTION 24. If any magistrate shall refuse to grant a warrant or order of removal as aforesaid, it shall be lawful for the overseers aggrieved by such refusal, to appeal to the next court of Quarter Sessions of the county in which such magistrate resides, who shall thereupon hear and finally determine the same.

SECTION 25. If any person shall bring, or cause to be brought, any poor person from any place without this commonwealth to any place within it, where such person was not last legally settled, and there leave, or attempt to leave such person, he shall forfeit and pay the sum of seventy-five dollars for every such poor person, to be sued for and recovered by the overseers of the district, into which such poor person may have been brought, and moreover, shall be obliged to convey such poor person out of the commonwealth, or support him at his own expense.

SECTION 26. If any person shall bring, or cause to be brought into this commonwealth, any black or coloured indented servant, such person, his or her heirs, executors, administrators and assigns, shall respectively be liable to the guardians or overseers of the city or district to which such black or coloured person shall become chargeable, for such necessary expenses as such guardians or overseers may be put to for his or her maintenance, support and interment, together with the costs thereon.

SECTION 27. Every person in whom the ownership or right to the service of any negro or mulatto slave shall be vested, shall be liable to the overseers of the district in which [such]

negro or mulatto shall become chargeable, for all expenses which such overseers may be put to for the maintenance, support and interment of such negro or mulatto, with the costs thereon.

SECTION 28. The father and grandfather, and the mother and grandmother, and the children and grandchildren, of every poor person not able to work, shall, at their own charge, being of sufficient ability, relieve and maintain such poor person, at such rate as the court of Quarter Sessions of the county where such poor person resides shall order and direct, on pain of forfeiting a sum not exceeding twenty dollars for every month they shall fail therein, which shall be levied by the process of the said court, and applied to the relief and maintenance of such poor person.

SECTION 29. If any man shall separate himself from his wife, without reasonable cause, or shall desert his children, or if any woman shall desert her children, leaving them a charge upon the district, in any such case it shall be lawful for any two magistrates of the county, upon complaint made by the overseers of the district, to issue their warrant to such overseers, therein authorizing them to take and seize so much of the goods and chattels, and receive so much of the rents and profits, of the real estate of such man or woman, as in the judgment of the said magistrates shall be sufficient to provide for such wife, and to maintain and bring up such children, which sum or amount shall be specified in such warrant; but if sufficient real or personal estate cannot be found, then to take the body of such man, (or woman,) and bring him (or her) before such magistrates, at a time to be specified in such warrant.

SECTION 30. It shall be lawful for such magistrate, on the return of such warrant, to require security from such man or woman, for his or her appearance at the next court of Quarter Sessions of the county, there to abide the order of the court, and for want of such security, to commit such person to the jail of the county.

SECTION 31. The warrant aforesaid shall be returned to the next court of Quarter Sessions of the county, when it shall be lawful for the said court to make an order for the payment of such sums as they shall think reasonable for the purpose aforesaid, and therein authorizing the overseers to dispose of the goods and chattels aforesaid, by sale or otherwise, and to collect and receive the rents and profits aforesaid, so much of either as in the judgment of the court shall be sufficient for the purpose aforesaid, but if there be no real or personal estate, it shall be lawful for the court to commit such person to the jail of the county, there to remain until he or she comply with such order, give security for the performance thereof, or be discharged by due course of law.

SECTION 32. The following described persons shall be liable to the penalties imposed by law upon vagrants:—

- I. All persons who shall unlawfully return into any district, whence they have been legally removed, without bringing a certificate from the city or district to which they belong.
- II. All persons who, not having wherewith to maintain themselves and their families, live idly and without employment, and refuse to work for the usual and common wages given to other laborers in the like work, in the place where they then are.
- III. All persons who shall refuse to perform the work which shall be allotted to them by the overseers of the poor as aforesaid.
- IV. All persons going about from door to door, or placing themselves in streets, highways, or other roads, to beg or gather alms, and all other persons wandering abroad and begging.
- V. All persons who shall come from any place without this commonwealth to any place within it, and shall be found loitering or residing therein, and shall follow no labour, trade, occupation or business, and have no visible means of subsistence, and can give no reasonable account of themselves, or their business in such place.

SECTION 33. It shall be lawful for the directors of the poor of any county, and for the overseers of any district, as the case may be, in which any person shall have become chargable, to sue for and recover any real or personal estate belonging to such person, and to sell or otherwise dispose of the personal property, and to collect and receive the rents and profits of the real estate, and to apply the proceeds, or so much thereof as may be necessary to defray the expenses incurred in the support and funeral of such person, and if any balance shall remain, the same shall be paid over to the legal representatives of such person after his death, upon demand made and security being given to indemnify such directors or overseers from the claims of all other persons.

SECTION 34. It shall be the duty of the directors of the poor of the several counties in which poor houses are or may be erected, once in every year, after the accounts shall have been audited and settled, to make out a full and correct statement of their receipts and expenditures for the preceding year, together with a statement of the number of poor persons supported, specifying their sex, age, or infirmity, if any, and of the profits arising from all farms under their directions; and it shall be the duty of such directors annually in the month of March, to publish such accounts and statement, at least twice, in two or more newspapers printed in such county, the expense of which shall be paid out of the county treasury, and forthwith transmit a copy of such accounts

and statement to the Governor, to be by him transmitted to the legislature: *Provided*, That the accounts of the guardians for the relief and employment of the poor of the city of Philadelphia, the district of Southwark, and the townships of the Northern Liberties and Penn. shall be audited at the alms house of said corporation, in the township of Blockley, in Philadelphia county.

SECTION 35. It shall be the duty of every justice, who shall by virtue of any law of this commonwealth receive any fine, penalty, or forfeiture appropriated by law for the use of the poor, forthwith to enter at length on his docket, the name of the person convicted, the offence committed, the amount of such fine, penalty or forfeiture, and the time when the same was paid, and forthwith to deliver a correct transcript of such entry to a constable of the township, and such justice shall on demand, pay over the same to the overseers of the poor lawfully entitled thereto, and shall annually, if required, exhibit his docket to the inspection of the township auditors.

SECTION 36. If any justice shall wilfully neglect or refuse to perform the duties enjoined on him as aforesaid, touching any fine, penalty or forfeiture appropriated to the use of the poor, he shall, on conviction thereof, in the court of Quarter Sessions of the proper county, be deemed guilty of a misdemeanor in office, and fined, for the use of the poor of the township in which he shall reside, any sum not exceeding twenty dollars, and if he shall be convicted of neglecting or refusing to pay over on demand, to the proper overseers, any money which he shall have received as aforesaid, he shall be fined over and above the last mentioned sum, any sum not exceeding double the amount which he shall have received as aforesaid, which sums shall be recovered by process of said court.

SECTION 37. It shall be the duty of the overseers of every district, to demand from every justice, the amount of any fine, penalty, or forfeiture that may have been received by him for the use of the poor, and if the same be not paid to them within twenty days, to proceed to recover the same by suit against such justice, in the manner that debts of the like amount are or may be by law recoverable.

SECTION 38. It shall be the duty of the clerk of every court by whom any fine shall be imposed, which by law is to be appropriated, in whole or in part, to the use of the poor, forthwith to deliver a written notice of the same to a constable, living in or near the township in which the person fined resides, for which service such clerk shall receive the sum of twenty-five cents from the proper overseers, and no more.

SECTION 39. It shall be the duty of the constable to whom any transcript or certificate shall be delivered by a justice of the peace or clerk of the court as aforesaid, under a penalty

of ten dollars, to be recovered before any other justice of the proper county, to deliver such transcript or certificate to one of the overseers of the district to which such fine, penalty or forfeiture belongs, and for such service, such constable shall be entitled to receive from such overseers the sum of twenty-five cents, and no more.

SECTION 40. It shall be the duty of every sheriff who shall have received any fine, penalty or forfeiture which by law may be appropriated to the use of the poor, to pay the same on demand, to the proper overseers, and if he shall fail to do so, within ten days after demand, he shall, on conviction thereof in the court of Quarter Sessions of the proper county, be fined and pay to the use of the poor of the proper district, any sum not exceeding double the amount received by him, to be recovered by the process of the said court.

SECTION 41. In all cases where there are no poor persons supported at the expense of a district, or where there shall remain in the hands of the overseers, at the end of the year, an unexpended balance, arising from fines, penalties or forfeitures received for the use of the poor, it shall be the duty of the overseers to pay all such fines, penalties and forfeitures, as may have been received by them, and such unexpended balance, to the supervisors of the highways, to be applied to the repair of the public roads in such district, unless the township auditors shall judge it necessary that the whole or part thereof should be retained as a fund for the use of the poor.

SECTION 42. If any overseer shall neglect or refuse to perform any duty enjoined upon him by law, and not otherwise provided for, he shall be liable to an indictment for a misdemeanor, and shall be punished by a fine not exceeding one hundred dollars, at the discretion of the court, to be recovered by the process thereof.

SECTION 43. The several fines, forfeitures and penalties, and other sums of money imposed or directed to be paid by this act, and not herein directed to be otherwise recovered, shall be levied and recovered by distress and sale of the goods and chattels of the delinquent or offender, by warrant, under the hand and seal of any one magistrate of the city or county where such delinquent or offender dwells, or where such goods and chattels may be found, and after satisfaction made of such fines, forfeitures and penalties, and sums of money, together with the legal charges, on the recovery thereof, the overplus, if any, shall be returned to the owner of such goods and chattels, his executors or administrators.

SECTION 44. If any person shall be aggrieved by the judgment of any one or more magistrates in pursuance of this act, he may appeal to the next court of Quarter Sessions for the county in which such magistrates reside, (except in

cases herein before specially provided for,) whose decision in all such cases shall be final and conclusive.

SECTION 45. The word "district" in this act, shall be construed and taken to mean "township" and "borough," and every other territorial or municipal division, in and for which officers charged with the relief and support of the poor are directed or authorized by law to be chosen, but nothing in this act contained, shall be taken to repeal or otherwise interfere with any special provision made by law for any city, county, township, borough, or other territorial or municipal divisions.

SECTION 46. It is hereby declared to be the meaning of the third section of the act entitled "An act to provide for the erection of a house for the employment and support of the poor in the county of Washington," approved the sixth day of April, Anno Domini, one thousand eight hundred and thirty, that the directors of said institution have power to bind out as apprentices such poor children as may come under their notice, according to the directions of said act, without the approbation and consent of two or more magistrates.

SECTION 47. That all laws hereby altered or supplied, so far as are inconsistent with this act, are hereby repealed.

NER MIDDLESWARTH,

Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,

Speaker of the Senate.

APPROVED—The thirteenth day of June, Anno Domini, eighteen hundred and thirty-six.

JOS: RITNER.



No. 169.

An Act

Relating to roads, highways and bridges.

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An act relating to roads, highways and bridges.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the court of Quarter Sessions of every county of the commonwealth, on being petitioned to grant a view for a road within the respective county, shall have power and are hereby required in open court, to appoint as often as may be needful, six persons qualified as hereinafter is provided, to view the ground proposed for such road, and make report of their proceedings to the respective court at the next term thereof: *Provided,* That the provisions of this act relative to the appointment of viewers to lay out roads and to assess damages, shall not extend to the city and county of Philadelphia, hereinafter specially provided for.

SECTION 2. The persons appointed as aforesaid, shall view such ground, and if they shall agree that there is occasion for a road, they shall proceed to lay out the same, having respect to the shortest distance, and the best ground for a road, and in such manner as shall do the least injury to private property, and also be, as far as practicable, agreeable to the desire of the petitioners.

SECTION 3. The viewers as aforesaid, shall make report at the next term of the said court, and in the said report shall state particularly: first, who of them were present at the view; second, whether they were severally sworn or affirmed; third, whether the road desired be necessary for a public or private road; they shall also annex and return to the court a plot or draft thereof, stating the courses and distances, and noting briefly the improvements through which it may pass, and whenever practicable, the viewers shall lay out the said roads at an elevation not exceeding five degrees, except at the crossing of ravines and streams, where by

moderate filling and bridging, the declination of the road may be preserved within that limit.

SECTION 4. If the court shall approve of the report of the viewers allowing a road, they shall direct of what breadth the road so approved shall be opened, and at the next court thereafter, the whole proceedings shall be entered on record, and thenceforth such road shall be taken, deemed and allowed to be a lawful public road or highway, or private road, as the case may be.

SECTION 5. The breadth of a public road laid out as aforesaid, shall not exceed fifty feet, and the breadth of a private road shall not in any case exceed twenty-five feet.

SECTION 6. Public roads or highways laid out, approved and entered on record as aforesaid, shall, as soon as may be practicable, be effectually opened and constantly kept in repair, and all public roads or highways made or to be made, shall at all seasons be kept clear of all impediments to easy and convenient passing and traveling, at the expense of the respective townships, as the law shall direct.

SECTION 7. The owner of any land through which a public road shall be opened as aforesaid, may within one year from the opening of the same, apply by petition, to the court of Quarter Sessions of the proper county, setting forth the injury which he or she may have sustained thereby, and thereupon, the said court shall appoint six disinterested persons to view the premises and assess the damages, if any, which such petitioner may have sustained.

SECTION 8. The viewers so appointed, shall make report in writing to the next court of Quarter Sessions, and if their report be approved by the court, the amount of damages awarded shall be paid by the county treasurer out of the county stock, to the party entitled thereto.

SECTION 9. *Provided*, That in assessing the damages as aforesaid, the viewers shall take into consideration the advantages derived from such road passing through the land of the complainant.

SECTION 10. Public roads or highways which have been or shall be laid out on a line which divides two townships, shall be opened, made, kept clear and in repair at the joint and equal charge of such townships, and if either township shall in any such case necessarily incur more than its due proportion of such charge, it shall be lawful for such township to recover from the other township the excess so incurred, in an action to be founded on this act.

SECTION 11. The several courts of Quarter Sessions shall, in open court as aforesaid, upon the petition of one or more persons for a road from their respective dwellings or plantations, to a highway or place of necessary public resort, or to any private way leading to a highway, direct a view to be

had of the place where such road is requested, and a report thereof to be made, in the same manner as is before directed in this act.

SECTION 12. If it shall appear by the report of viewers to the court directing the view, that such road is necessary, the said court shall direct what breadth the road so reported shall be opened, and the proceedings in such cases shall be entered on record, as before directed, and thenceforth such road shall be deemed and taken to be a lawful private road.

SECTION 13. In all cases of a private road, it shall be lawful for the owners of the land over which the same may be laid out or authorized, to apply to the court aforesaid for leave to hang and maintain at their own expense, swinging gates across such road, and thereupon the court shall direct the viewers appointed to view such road, or in case the road has been already laid out, may appoint other viewers in manner aforesaid, to inquire and report whether the same may be done without much inconvenience to the persons using such road.

SECTION 14. If it shall appear to the court that a gate or gates may be hung as aforesaid, according to the prayer of the party, without much inconvenience to the person or persons using such road, they shall decree accordingly, and in such decree they shall order and direct that such gate or gates be made and kept in repair, and made easy for passing, by the respective owners of said land.

SECTION 15. All private roads shall be opened, fenced and kept in repair by and at the expense of the person or persons respectively at whose request the same were granted and laid out, and by their heirs and assigns.

SECTION 16. The damages sustained by the owners of the land through which any private road may pass, shall be estimated in the manner provided in the case of a public road, and shall be paid by the persons at whose request the road was granted or laid out: *Provided*, That no such road shall be opened before the damages shall be fully paid.

SECTION 17. Whenever any person shall be desirous to make use of a private road laid out on the petition and at the expense of others, such person may apply by petition to the court of Quarter Sessions of the respective county, to be admitted to participate in the privilege of the said road, and thereupon such court shall have power to determine what sum he shall contribute to the persons at whose expense the said road was laid out, and also what further sum he shall pay to the owners of the soil over which the said road was made, and upon the payment thereof, such person shall be entitled to equal rights and privileges, and be subject to the duties and liabilities with the original applicants for said road.

SECTION 18. The courts aforesaid shall, within their respective counties, have authority, upon application to them by petition, to inquire of and to change or vacate the whole or any part of any private or public road which may have been laid out by authority of law, whenever the same shall become useless, inconvenient or burthensome, and the said courts shall proceed therein by views and reviews, in the manner provided for the laying out of public roads and highways.

SECTION 19. Roads laid out and confirmed as aforesaid, but not opened, may be vacated and annulled upon the petition of a majority of the original petitioners for the said road, resident within the respective county, in the same manner as other roads may be vacated: *Provided, That* no person residing or owning land along the route of such road, shall in such case be a viewer or reviewer.

SECTION 20. The said courts respectively, shall also have power in the manner aforesaid, to change, or supply by a new road, the route of any state road which may be laid out by direction of any act of assembly, within their respective counties, and thereupon to vacate so much of such state road as shall be supplied: *Provided, That* no change shall be allowed in any such road, which shall make the same of a greater ascent or descent than five degrees from a horizontal line.

SECTION 21. The said courts respectively, shall also have power in the manner aforesaid, to inquire of and vacate any part of a state road within the respective county, which shall have been supplied and rendered useless by a substantial and permanent turnpike road, made and completed according to law; but no stockholder in such turnpike road shall in such case be a viewer or reviewer.

SECTION 22. *Provided, That* nothing in this act shall be construed to give authority to any of the courts of the commonwealth to vacate any lane, street or highway within any city, borough, town plot, or any town or village laid out by the late proprietaries, or by any other person, and dedicated to the public use; nor to vacate any cartway laid out by the order of court, and not repairable at the charge of the public, nor shall such authority extend to any road, way or passage claimed by any person as a private right, nor to rivers or streams of water.

SECTION 23. Every application to vacate any road as aforesaid, shall be in writing, and signed by the applicants; it shall set forth in a clear and distinct manner, the situation and other circumstances of such road or highway, or of the part thereof which the applicants may desire to have vacated as aforesaid.

SECTION 24. Whenever the whole or any part of a road shall be changed or supplied, the same shall not be shut up

or stopped until the road laid out to supply the place thereof shall be actually opened and made.

SECTION 25. In all cases of views for any purpose mentioned in this act, the respective court shall, on petition of any person interested, direct a second view or review for the same purpose: *Provided*, That application therefor be made at or before the next term of the said court, after the report upon the first view.

SECTION 26. Roads upon and along a line which divides two adjoining counties, may be laid out, altered and vacated in the manner provided in the case of other roads, except that the court of Quarter Sessions of each of the said counties shall appoint three of the viewers, and that a report as aforesaid, shall be made to the said courts respectively, and that the said courts shall otherwise have and exercise concurrent jurisdiction therein.

SECTION 27. The supervisors aforesaid shall have power, and they are hereby enjoined and required, at the expense of the respective townships, to purchase wood, timber, and all other materials necessary for the purpose of making, maintaining and repairing the public roads or highways, and to employ, oversee, and direct a sufficient number of labourers to execute promptly and effectually the provisions of the law, and the orders and decrees of the courts having jurisdiction, concerning such roads.

SECTION 28. The supervisors aforesaid, shall severally have full power and authority within their respective townships, to enter upon any land or enclosure lying near to the said roads, and to dig, gather and carry upon said roads any stones, sand or gravel found on the same, which they may think necessary for the purpose of making, maintaining or repairing the said roads, when the same cannot be conveniently obtained by contract at reasonable prices, doing no unnecessary damage to the owners of the said lands, and repairing any breaches of fences which they shall make.

SECTION 29. Whenever the supervisors and the owners of any materials which may be wanted for making, maintaining or repairing the roads aforesaid, cannot agree upon the price to be paid therefor, the value of such materials shall be estimated by any two of such three persons as may be agreed upon by such supervisors and owners.

SECTION 30. If the supervisors and owners cannot agree upon any persons to estimate the value thereof, the owner may apply to a justice of the peace residing near the place where such materials were taken, or may be, and thereupon such justice shall appoint three judicious persons, one on the nomination of the supervisors, one other on the nomination of the owner of such materials, and the third upon his own suggestion, and the decision of the persons so appointed, or any two of them, shall be entered upon the docket of

such justice, and shall be final: *Provided*, That if either party shall after due notice, refuse or neglect to nominate aforesaid, it shall be the duty of the justice to appoint another person in his stead.

SECTION 31. It shall be the duty of the supervisors aforesaid, in making and repairing the public roads, to make and maintain within their respective townships, sufficient causeways, of stone or timber, on marshy or swampy grounds, and also to make and maintain sufficient bridges over all small creeks and rivulets, and deep gullies, where the same shall be necessary for the ease and safety of travellers.

SECTION 32. The supervisors aforesaid shall also have power and authority as aforesaid, to enter upon any such lands or enclosures, and cut, open, maintain and repair all such drains or ditches through the same, as they shall judge necessary to carry the water from the said roads.

SECTION 33. In cases where any public road has been or shall be laid on the line of two townships, if the supervisors of either of the said townships shall neglect or refuse to join with the supervisors of the other township in opening or repairing such road, the supervisors of the other township are hereby directed and required to open, amend and repair the said road, and the supervisors so neglecting or refusing, shall be liable to the same penalties as if they had neglected or refused to open or repair any public road situate wholly within their respective township.

SECTION 34. Where a small creek over which a bridge may be necessary, shall be on the boundary or on the division line of townships, the bridge shall be built and maintained at the joint and equal expense of the said townships, by their respective supervisors, in the manner directed by law in the case of public roads, which may be the division line of townships.

SECTION 35. When a river, creek or rivulet over which it may be necessary to erect a bridge crosses a public road or highway, and the erecting of such bridge requires more expense than it is reasonable that one or two adjoining townships should bear, the court having jurisdiction as aforesaid, shall, on the representation of the supervisors, or on the petition of any of the inhabitants of the respective townships, order a view, in the manner provided for in the case of roads, and if on the report of viewers, it shall appear to the court, grand jury, and commissioners of the county, that such bridge is necessary, and would be too expensive for such township or townships, it shall be entered on record as a county bridge.

SECTION 36. Whenever a bridge shall be authorized and recorded as a county bridge, it shall be the duty of the commissioners to procure an estimate of the cost thereof, and provide in the county levies, the monies necessary to defray

the same, and proceed to have such bridge erected by contract, or otherwise, as shall seem to them expedient.

SECTION 37. Viewers of the site of a bridge appointed as aforesaid, shall have authority by virtue of their appointment, to report also whether any change in the course or bed of the road to be connected therewith, will be necessary, in order to the erection of such bridge at the most suitable place, or at the least expense, or in the best manner, and the same being approved by a majority of the commissioners of the county, and also by the court, such road shall be altered accordingly.

SECTION 38. *Provided nevertheless*, That the viewers shall cause every such variation to be accurately surveyed, and a plot thereof to be made and returned with their report.

SECTION 39. Every bridge erected by the commissioners of any county, or under contract with them, shall be inspected by six fit persons, to be appointed by the court of Quarter Sessions of the respective county, and report thereof shall be made by them to the said court.

SECTION 40. If any such bridge shall be approved by the court, and the same shall have been erected under contract with the commissioners as aforesaid, the money shall be paid agreeably to such contract.

SECTION 41. If the persons appointed to inspect any bridge erected by contract as aforesaid, shall not approve of the same, they shall report to the court, what sum, in their judgment, ought to be deducted from the sum stipulated in such contract, and thereupon, the court shall grant a rule upon the builder or contractor, to shew cause against the said report, at a time and place in such rule to be named.

SECTION 42. After the service and return of such rule, it shall be lawful for the builder or contractor, to file a declaration or statement in the court of Common Pleas of the respective county, upon the contract made by him with the commissioners aforesaid, and thereupon proceed to trial, in due course, in like manner as if an action had been commenced by him upon such contract, against the county, or, at his election, he may shew cause against the said report, and thereupon, the court shall determine the matter as justice and equity shall require.

SECTION 43. When any such bridge shall have been erected by the commissioners of the county, or under their superintendence, if the same shall not be approved by the persons appointed, as aforesaid, to inspect the same, they shall report in what respect such bridge is deficient, and whether or not the same has occurred through the default, neglect or official misconduct of the said commissioners, or any of them, and what in their judgment is the value of such bridge, and

thereupon, the court shall in like manner, grant a rule upon the commissioners to shew cause against such report.

SECTION 44. After the service and return of such rule, it shall be lawful for the commissioners to have an issue directed, upon the said report, in the matters aforesaid, to the court of Common Pleas of the respective county, to be tried by a jury, or, at their election, they may shew cause against the same, and thereupon, the court shall determine the matter in a summary way.

SECTION 45. If it shall appear upon the trial of such issue, or upon investigation by the court as aforesaid, that such bridge is insufficient, or that it has been erected at an expense greater than its value, through the neglect or official misconduct of any one or more of the said commissioners, it shall be lawful for the county to recover, against such delinquent commissioner or commissioners, the damages sustained by reason of the default of them or either of them as aforesaid, respectively.

SECTION 46. Bridges over any river, creek or rivulet, being on the line of adjoining counties, shall be authorized in the manner provided in the case of other county bridges, except that the court of Quarter Sessions of each county shall appoint three of the viewers, and that a report as aforesaid, be made to the said courts respectively, and that the said courts shall, together with the grand juries and commissioners of the respective counties, in all other respects, have and exercise a concurrent jurisdiction and discretion therein.

SECTION 47. Every such bridge shall be constructed by contract with the commissioners of both the said counties; it shall be inspected in the manner aforesaid, by persons appointed by the court of Quarter Sessions of either of the said counties; it shall be maintained and kept in repair by said commissioners, at the joint and equal charge of both counties, and if either county shall necessarily incur more than its due proportion of such charge, it shall be lawful for such county to recover from the other county, the excess so incurred, in an action to be founded on this act.

SECTION 48. It shall be lawful for the undertaker of any public bridge, to enter upon the lands and enclosures near to the place where such bridge is to be built, for the purpose of searching for and procuring the materials necessary for the building of such bridge, in like manner, and with like authority as is hereinbefore provided in behalf of the supervisors of the public roads in the like case.

SECTION 49. If the undertaker of such bridge and the owner of such materials, cannot agree upon the sum to be paid for the damages which may be done by the taking of such materials, such damages shall be ascertained in the manner provided in the case of materials taken by the supervisors of the public roads.

SECTION 50. *Provided nevertheless.* That the damages shall be ascertained and paid, or secured to be paid, to the satisfaction of the owner of such materials, before the same may be dug, quarried, or removed by such undertaker.

SECTION 51. Any discreet and reputable citizen qualified to vote for members of the legislature, may be appointed a viewer for any of the purposes mentioned in this act, but except it be otherwise especially provided, the court appointing viewers, shall select them as far as practicable, from persons residing near the place to be viewed.

SECTION 52. No view which may be had for any of the purposes aforesaid, shall be good and valid, unless five of the persons appointed for the purpose, shall view the place in question, nor unless four of the actual viewers concur in the report.

SECTION 53. All viewers and reviewers appointed for any purpose mentioned in this act, also all persons appointed to inspect any bridge as aforesaid, shall, before they proceed to the duties of their appointment respectively, make oath or affirmation to perform the same impartially, and according to the best of their judgment, which oath or affirmation may be administered to them by any magistrate of the respective county, or by any one of their number.

SECTION 54. The expense of views of private roads, and the expense of any review, or of any view subsequent to a review of a private or public road, shall be wholly paid by the persons applying for the same.

SECTION 55. The expense of of a view to assess the damages sustained by the owner of land taken as aforesaid, for a public road, shall be paid by the respective county, and the expense of such view in the case of a private road, shall be paid by the person or persons at whose instance the same was allowed.

SECTION 56. The expense of the inspection or view of a county bridge as aforesaid, shall be paid by the respective county, but if such bridge shall not be approved, the said expense shall be recoverable by such county, as damages against the delinquent commissioner or contractor.

SECTION 57. In case of a separate view directed upon an application for leave to hang and maintain gates across a private road, as aforesaid, the expense of such view shall be paid by the applicants.

SECTION 58. In all cases of a view or review, or of any view subsequent to a review of a road, a surveyor shall be found and paid by the persons applying for such views.

SECTION 59. Viewers of public roads or highways, and of bridges, shall be entitled each to receive from the county treasurer one dollar for every day necessarily employed in that service, on producing a certificate from the clerk of the

court of Quarter Sessions of the respective county, that such service has been performed by them.

SECTION 60. Reviewers and viewers, upon a third or any subsequent view, shall be entitled each to receive the like compensation from the persons at whose instance they were appointed, for every day by them necessarily employed in that service.

SECTION 61. The supervisors aforesaid, shall cause posts to be erected at the intersection of all public roads within their respective townships, (where trees are not convenient, with boards firmly fixed thereon, and index hands pointing to the direction of such roads, on which boards shall be inscribed in large and legible characters, the name of the town, village, or place to which such roads may lead, and the distance thereto, computed in miles.

SECTION 62. If any supervisor shall, after ten days personal notice, neglect or refuse to put up, or keep in complete repair, index boards as aforesaid, such supervisor shall, for every such offence, forfeit and pay a sum not exceeding ten dollars.

SECTION 63. The supervisors aforesaid, shall, within their respective townships, put up and maintain in a conspicuous place, at or near each end of all bridges erected at the expense of the public, having an arch of the length or span of forty-five feet or upwards, a notice, in large and legible characters, of the fines and penalties hereinafter provided, for the protection of such bridges, under the penalty of a sum not exceeding twenty dollars.

SECTION 64. *Provided*, That if any such bridge be built across the line of townships, the supervisors of the said townships shall be liable as aforesaid, to put up and maintain such notices only at or near the end of the bridge within their respective townships.

SECTION 65. If any person working upon any road or highway, or if any one in company with such person, shall ask money or reward, or by any means whatever, shall extort, or endeavor to extort, any money, drink, or other thing, of or from any person traveling upon or near such road or highway, the person so offending shall, for every such offence, forfeit and pay a sum not exceeding five dollars.

SECTION 66. If any supervisor shall connive at any person so asking, demanding or contriving to extort money, drink or any other thing, from any person traveling as aforesaid, such supervisor shall, for every such offence, forfeit and pay a sum not exceeding ten dollars.

SECTION 67. If any person shall stop, fill up or injure any drain or ditch, made by any supervisor for the purpose of draining the water from any public road or highway, or shall divert or change the course thereof, without the authority of

the supervisors for the time being, such person shall, for every such offence, forfeit and pay a sum not less than four dollars, nor more than twenty dollars.

SECTION 68. If any person shall stop or obstruct any public road or highway, or shall commit any nuisance thereon, by felling trees, making fences, turning the road, or in any other way, and do not on notice given by the supervisor of the respective township, forthwith remove the nuisance and repair the damage done to such road, such person shall, for every such offence, forfeit and pay a sum not less than ten dollars, nor more than forty dollars: *Provided*, That nothing in this section shall be deemed to debar an indictment for any such nuisance, as in case of misdemeanour at common law.

SECTION 69. If any person shall wilfully destroy, deface or injure any guide post or index board erected at or near any public road, or any notice put up at any public bridge as aforesaid, such person shall, for every such offence, forfeit and pay a sum not less than five dollars, nor more than fifteen dollars.

SECTION 70. If any person shall wilfully ride, drive or lead, or cause another person to ride, drive or lead, any horse or other beast of burden, faster than a walk, when crossing any wooden bridge having an arch of the length or span of forty-five feet or upwards, such persons shall, for every such offence, forfeit and pay a sum not less than five dollars, nor more than thirty dollars: *Provided nevertheless*, That notice of the provisions of this section be set up in the manner hereinbefore required.

SECTION 71. And if any person shall wilfully drive, or cause to be driven, any horned cattle, faster than a walk, when crossing any such bridge, such person shall, for every such offence, forfeit and pay a sum not less than five dollars, nor more than thirty dollars: *Provided nevertheless*, That notice hereof be set up in the manner hereinbefore required.

SECTION 72. If any person shall carry fire over such bridge, except in a lantern, or in some vessel in which it will be fully secured, such person shall forfeit and pay the sum of five dollars: *Provided nevertheless*, That notice of the provisions of this section be set up in the manner hereinbefore required.

SECTION 73. *Provided also*, That nothing in this act shall be so construed as to impair, in anywise, any right or privilege, which any company, incorporated by any act of assembly of the commonwealth, may have to make regulations for the preservation of any bridge erected by such company, or which may be under their care.

SECTION 74. If any person shall wilfully set fire to any wooden bridge within this commonwealth, with intent to destroy the same, or shall be accessory thereto before the

fact, such person shall for every such offence, be liable to indictment, and to the punishment provided by law in cases of arson, and also shall forfeit and pay a sum not more than two thousand dollars, at the discretion of the court having cognizance of such offence, for the use of the county, township or townships, corporations, or persons aggrieved.

SECTION 75. All fines and pecuniary penalties which may be incurred under any of the provisions of this act, shall, unless it be otherwise especially provided, be recoverable in the name of the commonwealth, at the instance of any person who will sue therefor, in the same manner as debts of like amount are recoverable, with costs of suit, and one moiety thereof shall be paid to the person suing for and recovering the same, and the residue shall be paid into the treasury of the respective townships, for the use of the supervisors of the public roads.

SECTION 76. The proceedings to obtain the laying out or widening of a street, road or alley, and to obtain damages in consequence of the laying out or widening any street, road or alley, within the city and county of Philadelphia, shall be as follows: All petitions for the laying out or widening any street, road or alley, or for damages occasioned thereby, shall be presented to the court of Quarter Sessions, at least thirty days before the commencement of each term of said court, and thereupon the said court shall direct a venire to issue, directing the sheriff to return a panel of forty-eight freeholders, to the next term, to act as viewers in all cases of said applications, from which panel, on the day to which the said venire shall be returnable, the court shall direct six names to be drawn of viewers to act in each case, who shall be subject to all the provisions of this act, prescribing the duties of viewers of roads, and damages.

SECTION 77. So much of the several acts of assembly as prohibits any person residing or owning real estate within the city or county of Philadelphia respectively, from serving as a road or street viewer in the said city or county, be and the same is hereby repealed: *Provided*, That no person shall serve as a road or street viewer, who has an interest in the property through or near which the same is to pass.

SECTION 78. The commissioners of Philadelphia shall provide and keep a wheel, in addition to those now required by law, for the purpose of containing the names of road viewers, to serve as hereinbefore provided, which shall be selected, and who shall be summoned as jurors are now by law selected and summoned in other cases, which said wheel shall be kept by the said commissioners, and the keys thereof shall be in the custody of the sheriff, who shall receive for summoning road jurors, the same fees as he receives for selecting and summoning jurors in other cases.

SECTION 79. Said forty-eight viewers, so as aforesaid selected and summoned, shall not be required to attend personally on the day to which the venire shall be returnable, but it shall be the duty of the party petitioning, after the said six viewers shall be drawn as aforesaid, to give notice to them of the time and place of meeting, in such manner as the said court shall order and direct, and in case of any vacancy occurring after the said six names shall be drawn as aforesaid, it shall be lawful for a majority of the said viewers to fill the same.

SECTION 80. The same proceedings as are provided by the preceding sections of this act, shall be had in all cases of petitions for a review within the said city and county; and in all cases of view, review or assessment of damages in the said city and county, after the viewers shall be chosen as aforesaid, the same proceedings shall be had as are prescribed by the general provisions of this act.

SECTION 81. Nothing in this act shall be deemed or taken to repeal any special or local act now in force, relating to roads in any of the counties of this commonwealth, except such local acts relating to the city and county of Philadelphia as are inconsistent with the provisions of this act.

SECTION 82. All laws hereby altered or supplied, so far as are inconsistent with this act, are hereby repealed, and this act shall take effect from and after the first day of September next.

NER MIDDLESWARTH,

Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,

Speaker of the Senate.

APPROVED—The thirteenth day of June, A. D. eighteen hundred and thirty-six.

JOS : RITNER.

No. 170.

An Act

Relating to the commencement of actions.

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An act relating to the commencement of actions.

I. OF THE COMMENCEMENT OF PERSONAL ACTIONS IN GENERAL.

SECTION. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That personal actions, except in cases where other process shall be especially provided, shall be commenced by a writ of summons, which shall be in the following form, to wit:

[L. S.] The Commonwealth of Pennsylvania,
county, ss. to the sheriff of said county, greeting:
We command you that you summon _____, so that
he be and appear before our court of _____, to be
holden at _____, in and for said county, on the
day of _____ next, there to answer _____ of a plea.
[setting forth briefly the cause of action or complaint] and
have you then there this writ; Witness _____, president
[or as the case may be] judge of our said court, the
day of _____

Prothonotary.

SECTION 2. A writ of summons shall be executed by reading the same in the hearing of the defendant, or by giving

him notice of its contents, and by giving him a true and attested copy thereof; or if the defendant cannot conveniently be found, by leaving such copy at his dwelling house, in the presence of one or more of the adult members of his family; or if the defendant resides in the family of another, with one of the adult members of the family in which he resides.

SECTION 3. It shall be the duty of the prothonotary of any court having jurisdiction of the action, on the application of the plaintiff in any personal action, his agent or attorney, instead of the writ of summons as aforesaid, to issue a writ of *capias ad respondendum*, in the following form, to wit:

The Commonwealth of Pennsylvania,
[L. S.] County of _____, to the sheriff of
county, greeting:

We command you that you take _____, if he shall be found in your bailiwick, and him safely keep until he shall have given bail, or made deposit according to law, so that he be and appear in our court of _____ on the day of _____ next, then and there to answer in an action of debt [or as the case may be] in our court of _____, at the suit of _____, or until the said _____ shall by other lawful means be discharged from your custody, and have you then there this writ; witness _____ president of said court, [or as the case may,] the _____ day of _____, A. D.

Prothonotary.

SECTION 4. *Provided*, That no writ of *capias ad respondendum* shall issue in any case, unless the plaintiff, his agent or attorney, shall previously thereto make affidavit, setting forth:—

First: The cause of action, and the amount in which the defendant is indebted to the plaintiff, or the value of the property taken or detained, or the damages sustained, as the case may be, to the best of the deponent's knowledge and belief; and

Second: That to the best of the deponent's knowledge or belief, the defendant is not an inhabitant of this commonwealth, or if such inhabitant, that he has no place of residence therein to the knowledge of the deponent, or that he is about to quit the commonwealth, without leaving sufficient real or personal estate therein to satisfy the demand; which affidavit shall be filed of record in the suit.

SECTION 5. *Provided*, That it shall be lawful for a plaintiff in any action founded upon actual force, or which shall be brought by reason of actual fraud or deceit, upon affidavit of the facts, to have a *capias* as aforesaid, against any person not otherwise liable to arrest.

SECTION 6. Nothing herein contained shall be taken to authorise the issuing of a *capias ad respondendum* against

any female, for any debt contracted since the eight day of February, Anno Domini, one thousand eight hundred and nineteen; nor against any executor, or other person sued in a representative character, unless such person shall have become personally liable for the debt or demand alleged; nor against any person whomsoever, for any sum of money less than five dollars and thirty-four cents, due upon any contract made since the fourth day of July, Anno Domini, one thousand eight hundred and thirty-three.

SECTION 7. Whenever the cause of action shall be founded upon an injury done to the person or property of the plaintiff, by a person whose name is unknown to him, or upon a fraud practised by such person, to the prejudice of the plaintiff, it shall be lawful for the plaintiff, whether such person would otherwise be liable to arrest or not, on affidavit of that fact, to have a writ of *capias*, in the form aforesaid, against such person, without naming him, but such writ shall be executed by the sheriff or other officer, only under the direction of the plaintiff, and at his risk.

SECTION 8. Upon the arrest of any person against whom a writ of *capias* shall be issued as aforesaid, it shall be the duty of the officer to inquire of him his name, and if given, he shall insert the same in such writ, and thereupon, the same proceedings shall be had as if such writ had issued in the usual form.

SECTION 9. It shall be the duty of the officer charged with the execution of any writ of *capias ad respondendum*, to let to bail any person arrested or detained by him by force thereof, on his giving bond, with reasonable sureties, having sufficient estate within the county, in the manner hereinafter provided, under the penalty of treble damages to the party aggrieved.

SECTION 10. The bond to be taken by the officer as aforesaid, shall be in the name of the commonwealth, and in the amount of the bail demanded; and the condition thereof shall be, that if the defendant therein named shall be condemned in the action, at the suit of the plaintiff, he shall satisfy the condemnation money and costs, or surrender himself into the custody of the sheriff of the county, or in default thereof, that the bail will do so for him, and such bond shall be for the use of the plaintiff in the action, or of the sheriff or other officer, as the case may be.

SECTION 11. Upon the execution of a bond, in the form aforesaid, it shall be lawful for the bail therein, to have, from the officer by whom it was taken, a bail-piece, to be made according to the following form: county, ss.

in the court of _____, C. D. of the county aforesaid,
delivered to bail upon a bond taken by me, J. S., Sheriff
[or other officer, as the case may be] of said county, the
day of _____, to E. F. of the township of _____

, in said county, [yeoman,] and G. H. of the township of , in said county, [merchant,] at the suit of, A. B., in a plea of [describing the action as described in the bond.]

SECTION 12. It shall be the duty of the officer taking such bond, to make return of the same, at or before the return day of the writ, together with the *capias ad respondendum*, to the office of the prothonotary issuing the *capias*, who shall file the same, and enter upon his docket the names of the bail.

SECTION 13. It shall be the duty of every sheriff, taking bond as aforesaid, to give notice in writing of the names and places of residence of the bail, to the plaintiff in the action, his agent or attorney.

SECTION 14. The bail taken by the sheriff as aforesaid, may be excepted to by the plaintiff, his agent or attorney, at any time within twenty days after the return day of the writ, and notice given to him by the sheriff as aforesaid, and the bail so entered may justify, or new bail be added or substituted, and justify, within ten days after notice of the exception as aforesaid, according to the practice hitherto allowed with respect to special bail.

SECTION 15. *Provided nevertheless*, That it shall be lawful for any court to make such rules respecting the time and manner of giving notice of bail, excepting to bail, and justifying bail as aforesaid, taken upon process out of such court, as the convenient administration of justice in such court may require.

SECTION 16. The sheriff taking any bond as aforesaid, shall be responsible to the plaintiff for the sufficiency of the bail therein, but such responsibility shall cease and determine:—

First, If the plaintiff shall not except to the bail within the time allowed for that purpose; or

Second, If upon exception made, the bail shall justify, to the satisfaction of the court, or of the commissioner authorized for the purpose; or

Third, If upon such exception other bail shall be added or substituted, and justify as aforesaid.

SECTION 17. If a defendant, arrested or detained on a *capias ad respondendum* as aforesaid, shall not give bail as aforesaid, it shall be the duty of the sheriff to state the fact in his return, according to the practice now prevailing and allowed.

SECTION 18. If the officer charged with the execution of such writ, shall make return that he has taken the body of the defendant in such writ, or that such defendant hath surrendered himself to his custody, he shall be chargeable to have the body of such defendant at the day of the return of such writ, in the manner heretofore practised.

SECTION 19. It shall be lawful for any defendant committed to prison by virtue of any *capias ad respondendum*, or surrendered by his bail as aforesaid, to enter special bail to the action, in the manner now practised and allowed, at any time before final judgment obtained against him.

SECTION 20. It shall be lawful for the defendant in any writ of *capias ad respondendum*, either before or after arrest, or after bail given, and before the return of the writ, to deposit in the hands of the sheriff, in lieu of all bail, the sum in which bail is demanded, to abide the event of the suit, for which he shall be entitled to demand of such officer a receipt, and upon making such deposit, he shall be forthwith discharged from arrest in the action in which such deposit shall be made, and the liability of the bail, if any have been given, shall cease and determine.

SECTION 21. It shall be the duty of the officer receiving such deposit, to make return of the fact, and to pay the sum deposited with him thereon, into court; and if the plaintiff in such writ shall fail in his action, the money so deposited shall be forthwith returned to the defendant, upon application made to the court for that purpose.

SECTION 22. If judgment be rendered against the defendant in such action, the money deposited as aforesaid, or so much thereof as may be necessary, shall be applied by order of the court towards the satisfaction of such judgments, in like manner as money paid into court by a defendant in other cases.

SECTION 23. It shall also be lawful for any defendant, after the return of the writ, by the leave of the court, to deposit and pay into court the sum in which bail may be demanded as aforesaid, to bide the event of the suit, and to be disposed of in manner aforesaid, and thereupon, it shall be lawful for the said court to make an order for the discharge of the defendant from imprisonment, or of his bail, as the case may be, from liability.

SECTION 24. In any personal action, commenced by summons as aforesaid, if the plaintiff, his agent or attorney, shall, during the pendency of such action, make affidavit, to be filed of record, of his cause of action as aforesaid, and that the defendant is about to quit the commonwealth, as the deponent verily believes, without leaving sufficient real or personal estate therein to satisfy the demand, he may have a special *capias ad respondendum* against the defendant, in the following form:

County, ss.

The Commonwealth of Pennsylvania,

To the sheriff of _____ county, greeting:

Whereas, an action of debt (or as the case may be,) has been commenced in our court of _____, and is depending between A. B. and C. D. and the said A. B. (or as the case

may be,) has made affidavit that the said C. D. is justly and truly indebted to him, (or as the case may be, reciting the cause of action,) and that the said C. D. is about to quit the commonwealth, as he verily believes, without leaving sufficient real or personal estate therein, to satisfy the demand, therefore, we command you that you take the said C. D., and him safely keep until he shall have given bail, or made deposit according to law, in the said action, or until the said shall by other lawful means be discharged from your custody; and you are to make return of this writ within ten days after the execution thereof, together with the manner in which you shall have executed the same, and the day of the execution thereof:

Witness , President of the said court,
(or as the case may be,) the day of
A. D.

Prothonotary.

SECTION 25. The proceedings upon such special capias ad respondendum, shall be the same as are hereinbefore provided in the case where the action is commenced by a capias.

SECTION 26. Whenever any person, who shall have become bail of the defendant in any action, shall, pending the same, assign his effects for the benefit of creditors, or make application for the benefit of the insolvent laws of this commonwealth, or give bond for such purpose, or shall remove from this commonwealth, or signify an intention so to do, it shall be lawful for the plaintiff in such action, to require such defendant, by a rule to be entered by the prothonotary, as of course, in term time, or vacation, to find additional bail, and in case of his default, to issue a special writ of capias against him, reciting briefly the circumstances, and detain him thereon until he shall comply with such requisition.

SECTION 27. Every such rule shall be entered, after an affidavit of the fact upon which it is grounded; it shall stipulate that three days notice thereof be given by the plaintiff to the defendant, unless other notice shall be directed by a rule of court, and shall otherwise be subject in all respects, to such restrictions and regulations as the court shall make in that behalf.

SECTION 28. It shall be the duty of every prothonotary issuing a capias ad respondendum as aforesaid, whether original or special, to indorse thereon the amount of bail required by the plaintiff in the action.

SECTION 29. The court from which any original or special writ of capias ad respondendum shall issue, shall have the like power and authority to inquire into the cause of action, to quash the writ, with or without costs, to reduce the amount of bail required, or to discharge without bail, as are now possessed and exercised by the several courts of this commonwealth; and if any deposit shall have been made as aforesaid,

and the court shall decide that the plaintiff was not entitled to bail, or shall reduce the amount for which bail was demanded, the defendant shall be entitled to the repayment of the money deposited, or so much thereof as shall remain beyond the amount of bail authorized by the court.

SECTION 30. Every writ used for the commencement of an action, shall bear date on the day of the issuing thereof, and shall be made returnable on the first day of the term next succeeding the time at which it shall be issued.

SECTION 31. *Provided*, That in the case of a writ of summons, if there shall not be ten days between the issuing thereof and the first day of the term as aforesaid, the writ may be made returnable on the next day preceding the last day of such term, or upon the first day of the second term next after the issuing of the writ.

SECTION 32. In the courts for the city and county of Philadelphia, and county of Allegheny, all writs used for the commencement of actions may be made returnable on the first day of the next term as aforesaid, or on the first Monday of any intermediate month, at the election of the party suing out the writ.

SECTION 33. If the defendant in any writ of summons as aforesaid, shall not appear at the return day thereof, and the officer to whom such writ was directed, shall make return that it was served upon the defendant ten days before the return day aforesaid, it shall be lawful for the plaintiff, having filed his declaration, to take judgment thereon for default of appearance, according to the rules established by the court to regulate the practice in this respect.

SECTION 34. In case such writ shall not be served ten days before the return day thereof, if the defendant therein shall not appear in ten days after the day of service, it shall be lawful for the plaintiff, having filed his declaration, to take judgment thereon at any subsequent day in term time, for default of appearance, according to the rules established by the court to regulate the practice in this respect.

SECTION 35. If the defendant shall have deposited in the hands of the officer a sum of money in lieu of bail as aforesaid, he shall be deemed to have appeared in court at the return day, in like manner as if he had entered special bail to the action.

SECTION 36. Whenever any writ of *capias* as aforesaid, shall be issued against any person who may be confined in the jail of the county, a copy thereof shall be delivered to the defendant, by the officer holding the same, and another copy thereof shall be left by such officer with the jailor, and thereupon, such writ shall operate to detain such person after the other cause or causes of his confinement shall have ceased, in like manner as if had been arrested and imprisoned by virtue of such writ.

SECTION 37. In cases where a trespass or nuisance has been or may be committed on real estate, by non-residents of the county wherein such real estate is situated, it shall be lawful for the sheriff to go beyond his bailiwick, into an adjoining county, for the purpose of serving any process which may be issued out of the court of the proper county, in suits instituted for the recovery of damages, or abatement of the nuisance, and such service shall be as good and valid as if the same had been made by the sheriff within his bailiwick.

SECTION 38. The sheriff or other officer serving any writ of summons, shall in all cases state in his return, the time and manner in which the service thereof was made.

SECTION 39. In every case in which a writ of *scire facias* may by law be issued, it shall be served and returned in the same manner as is herein provided in the case of a summons in a personal action, and judgment for default of appearance may be taken at the same time, and in the same manner, as in the case of a summons as aforesaid, unless it be otherwise especially provided.

SECTION 40. It shall be lawful for any persons, willing to become parties to an amicable action, to enter into an agreement, in writing, for that purpose, either in their proper persons, or by their respective agents, or attorneys, and on the production of such agreement to the prothonotary of any court having jurisdiction of the subject matter, he shall enter the same on his docket, and from the time of such entry, the action shall be deemed to be depending, in like manner as if the defendant had appeared to a summons issued against him by the plaintiff.

II. COMMENCEMENT OF PERSONAL ACTIONS IN PARTICULAR CASES.

I. AGAINST CORPORATIONS.

SECTION 41. Every corporation, aggregate or sole, shall be amenable to answer upon a writ of summons as aforesaid, and in the case of a corporation aggregate, except counties and townships, service thereof shall be deemed sufficient, if made upon the president or other principal officer, or on the cashier, treasurer, secretary, or chief clerk of such corporation, in the manner hereinbefore provided.

SECTION 42. In actions for damages, occasioned by a trespass or injury done by a corporation, if the officers aforesaid of such corporation, or any of them, shall not reside in the county in which such trespass or injury shall be committed, it shall be lawful to serve the summons upon any officer or agent of the corporation, at any office or place of business of the corporation within the county, or if there be

no such office or place of business, it shall be lawful to serve the summons upon the president, or other principal officer, cashier, treasurer, secretary, or chief clerk, in any county or place where they may be found.

II. BY FOREIGN ATTACHMENTS AGAINST NON-RESIDENTS.

SECTION 43. The writ of foreign attachment shall be made in the following form, viz:

[L. S.] county, ss.

The Commonwealth of Pennsylvania,

To the sheriff of said county, greeting:

We command you that you attach , late of your county, by all and singular his goods and chattels, lands any tenements, in whose hands or possession soever the same may be, so that he be and appear before our court of , to be holden at , in and for said county, on the day of next, there to answer of a plea, [setting forth briefly the cause of action or complaint,] and have you then and there writ; witness, &c.

SECTION 44. A writ of attachment, in the form aforesaid, may be issued against the real or personal estate of any person not residing within this commonwealth, and not being within the county in which such writ shall issue, at the time of the issuing thereof.

SECTION 45. In every writ of attachment as aforesaid, shall be contained a clause, commanding the officer to summon all persons in whose hands or possession the said goods and chattels, or any of them, may be attached, so that they and every of them, be and appear before the said court, at the day and place mentioned in the said writ, to answer what shall be objected against them, and abide the judgment of the court therein.

SECTION 46. The plaintiff in any writ of attachment as aforesaid, may, instead of a clause of summons as aforesaid, cause to be inserted therein a clause of capias against the garnishee, if such garnishee shall not be an inhabitant of the county, or shall be about to depart therefrom.

SECTION 47. But before any such writ with a clause of capias shall be issued against any person as aforesaid, the plaintiff, or some one for him, shall make oath or affirmation, to be filed with the record, that such person hath goods, chattels, or effects in his possession or care, or that he is indebted to the defendant, in a sum of money due, or to become due, and also, that such person is not an inhabitant of the county, or that there is cause to fear that he is about to depart and remove therefrom, as the deponent verily believes.

SECTION 48. In the case of personal property, the attachment shall be executed as follows, to wit:

The officer to whom such writ shall be directed, shall go to the person in whose hands or possession the defendant's goods or effects are supposed to be, and then and there declare, in the presence of one or more credible persons of the neighborhood, that he attaches the said goods or effects.

SECTION 49. In the case of real estate, the attachment shall be executed as follows:

I. If the attachment be levied on houses, other buildings, or lands, it shall be the duty of the sheriff to leave a copy of the writ with the tenant, or other person in actual possession, holding under the defendant in the attachment, and to summon him as garnishee.

II. If there be no person in actual possession as aforesaid, the sheriff shall publish a copy of the writ, for six weeks, in one newspaper printed in the county, if there be one, otherwise in one newspaper published nearest to the land attached, and such writ shall also be published in one or more newspapers in the city of Philadelphia, or elsewhere, as the court, if in session, or a judge thereof, in vacation at the time of issuing the same, having reference to the supposed place of residence of the defendant, shall direct.

III. If the attachment be levied on a rent charge, it shall be the duty of the sheriff to leave a copy of the writ with the owner of the messuage, lot, or land out of which such writ shall issue, or upon which the same shall be charged, or if such owner shall not reside within the county, upon the tenant or other person in possession of such messuage, lot, or land, and in either case, to summon such person as garnishee.

IV. In all other cases of incorporeal hereditaments, the attachment shall be executed by leaving a copy of the writ with the person or persons who may be liable to the payment of money to the defendant, or who may be charged with, or otherwise liable to the defendant in respect of such hereditament, and if there be no such person, by publication, as directed in the case of houses or lands of which there shall be no person in possession, as aforesaid.

SECTION 50. The goods and effects of the defendant in the attachment, in the hands of the garnishee, shall, after such service, be bound by such writ, and be in the officer's power, and if susceptible of seizure or manual occupation, the officer shall proceed to secure the same, to answer and abide the judgment of the court in that case, unless the person having the possession thereof, will give security therefor.

SECTION 51. Every writ of attachment executed upon real estate, shall bind the same as against purchasers and mortgagees, from the time of the execution thereof, and it shall be the duty of the sheriff to file in the office of the

prothonotary of the court, a description of the property attached, within five days after he shall have made the attachment, which description shall be entered by the prothonotary upon his docket, and the names of the parties, with the date of the execution of the writ, and the amount of bail required, shall also be entered by him upon his judgment docket.

SECTION 52. Whenever a clause of *capias* shall be added to any writ of attachment, as aforesaid, the garnishee shall find sufficient sureties, to appear in court, and make answer as by law is required, and further, to render his body to the prison of the respective county, or pay the condemnation money, if judgment shall pass against him.

SECTION 53. It shall be lawful for the plaintiff, at the third term of the court after the execution of the writ aforesaid, if he shall have filed his declaration, to take judgment thereon against the defendant for default of appearance, unless the attachment before that time be dissolved.

SECTION 54. After judgment against the defendant in manner aforesaid, the plaintiff may have a writ of *scire facias* against the garnishee, commanding him to appear before the said court at the next term, and shew cause, if any he have, why the plaintiff should not have execution of his said judgment, of the estate and effects of the said defendant, attached as aforesaid, in his hands or possession.

SECTION 55. After judgment as aforesaid, it shall also be lawful for plaintiff to exhibit in writing, to every garnishee as aforesaid, all such interrogatories as he may deem necessary, touching the estate and effects of the defendant in his possession or charge, or due and owing from him, as the case may be, to the defendant, at the time of the service of such writ, or at any other time, and cause the same to be filed of record in the cause.

SECTION 56. Whenever interrogatories shall be filed as aforesaid, it shall be the duty of the court, upon the motion of the plaintiff, to grant a rule upon the garnishee, to appear before the said court, at a time and place in such rule to be named, and then and there to exhibit in writing, under his oath or affirmation, full, direct and true answers, to all and singular the interrogatories of the plaintiff exhibited and filed as aforesaid, or such of them as the court shall deem pertinent and proper.

SECTION 57. If the garnishee shall, after due service of rule as aforesaid, neglect or refuse to comply therewith, he shall be adjudged to have in his possession goods and effects of the defendant, liable to such writ of attachment, to an amount or value sufficient to satisfy the demand of the plaintiff, together with all legal costs of suit, and charges, and thereupon execution may issue against him, in like manner as in the case of a judgment rendered against such garnishee for his own proper debt.

SECTION 58. If issue be taken, and a trial be had upon any scire facias as aforesaid, the jury shall find what goods or effects, if any, were in the hands of the garnishee at the time the attachment was executed as aforesaid, or afterwards, and also the value thereof.

SECTION 59. After a verdict for the plaintiff on any scire facias as aforesaid, it shall be lawful for him to have execution of his judgment, in the attachment to be levied, of the goods or effects so found in the hands or possession of the garnishee, or of so much of them as shall be sufficient to satisfy his demand, together with legal costs of suit and charges, as aforesaid.

SECTION 60. The plaintiff may also at the same time, have execution against the garnishee upon the judgment obtained against him on the scire facias, as in the case of a judgment against him for his proper debt, to be executed, if the garnishee shall neglect or refuse, upon the lawful demand of the proper officers, to produce and deliver the goods and effects of the defendant, as aforesaid, or to pay the debt or duty attached, if the same shall be due and payable.

SECTION 61. But after judgment, before any execution shall be executed, the plaintiff shall give security, by recognizance and sufficient sureties, to be approved of by the court, or by one of the judges thereof, in vacation, with condition, that if the defendant in the attachment shall, within a year and a day next ensuing the date of such recognizance, by himself or attorney, come into court and disprove or avoid the debt recovered against him, or shall discharge the same, with costs, in such case the plaintiff shall restore to the defendant the goods or effects, or the value thereof, attached and condemned as aforesaid, or so much thereof as shall be disproved or discharged, or else, that they will do it for him.

SECTION 62. *Provided always,* That if the defendant or defendants in the attachment, and every of them, shall at any time before the money paid, put in and perfect bail to the plaintiff's action, in the sum demanded, or in such sum as the court, upon the cause of action shown, shall order, or if they shall make deposit, in the manner provided in the case of an arrest upon a *capias ad respondendum*, the attachment, and all proceedings had thereon as aforesaid, shall be dissolved, and the action shall proceed in due course, in like manner as if the same had been commenced by a writ of *capias ad respondendum*.

SECTION 63. If an attachment shall be dissolved as aforesaid, after any sale of real or personal property attached, such dissolution shall not have the effect of divesting any estate or interest acquired by virtue of such sale, by any

person not party to such attachment, but in such case, the proceeds of any such sale shall be paid or restored to the defendant in the attachment.

SECTION 64. It shall be lawful for any defendant in an attachment, instead of giving bail or security at his election, at any time before judgment obtained in the attachment, to cause an appearance to be entered for him, and to take defence to the action, in which case the action shall proceed as if commenced by a summons, but the attachment shall nevertheless, continue to bind the estate or effects attached, as in other cases, unless judgment be rendered for the defendant in such attachment, and if judgment be rendered for the plaintiff, such judgment shall have the like force and effect as in case of an action commenced by a summons: *Provided*, That the plaintiff may proceed by scire facias against the garnishee, and execution against the estate and effects attached, as in other cases of attachment, except that a recognizance to restore as aforesaid, shall not be necessary.

SECTION 65. In every case of a writ of attachment executed upon land, which shall have been demised for years, or otherwise, with a reservation of rent, the delivery of a copy of the writ of attachment to the tenant, as hereinbefore provided, shall have the effect of sequestering, in the hands of the tenant, all such sums or amount of rent as shall be due at the time of the execution of the writ, or that shall accrue until the execution against the garnishee, unless the attachment be sooner dissolved.

SECTION 66. It shall be lawful for the court, at any time after the return of the attachment, on application by the plaintiff, and affidavit of a just cause of action, to issue a writ to the sheriff, requiring him to collect and recover from the tenant of the premises, all such rent as shall have accrued at the time of the execution of the writ of attachment, or as may accrue thereafter, until the further order of the court.

SECTION 67. The sheriff or other officer, shall, by virtue of such writ, proceed from time to time, to recover such rents, in like manner, and with the like powers as are or shall be possessed by a landlord under the laws of this commonwealth, and it shall be his duty forthwith, on the receipt of any monies arising from the recovery of such rents, to bring the same into court.

SECTION 68. After judgment obtained on a scire facias, against such tenant as garnishee, it shall be lawful for the plaintiff to have execution, as hereinbefore provided, if the rents of the premises, or any part thereof, shall have remained in the hands of such tenant; or if such rents, or any part thereof, shall have been paid into court as aforesaid, then,

upon award of execution as aforesaid, the plaintiff may have such money paid into his hands, on his giving security, as herein provided.

SECTION 69. If the rents and profits of the real estate as aforesaid, shall not be sufficient to satisfy the amount of the judgment, with the interest, costs, and charges, as aforesaid, the plaintiff, on giving security to restore as aforesaid, may have a writ of fieri facias, upon which the like proceedings may be had for the condemnation and sale of real estate as in other cases.

SECTION 70. In all cases where two or more persons shall be jointly, but not severally liable to the suit of another, if one or more of such persons shall be liable to process of attachment as aforesaid, and another or others of them shall not be liable to such process, it shall be lawful for the persons to whom such liability is due, to sue out and prosecute thereon a writ of attachment and summons, in the following form, to wit:

[L. S.] county, ss.

The commonwealth of Pennsylvania,

To the sheriff of said county, greeting:

We command you that you summon _____, so that they and every of them, be and appear before our court of _____, to be holden at _____, in and for said county, on the _____ day of _____ next, there to answer

of a [setting forth briefly the cause of action
or complaint as in the precipe,] and that you attach

, late of your county, by all and singular, his goods and chattels, in whose hands or possession soever the same may be found, and also, that you summon the person and persons, and every of them, in whose hands the goods or effects, or any of them, of the said may be found, so that they be and appear before the said court, at the day and place aforesaid, to answer what shall be objected to them, and abide the judgment of the court in the premises, and have you then there this writ; witness, &c.

SECTION 71. Instead of a clause of summons against defendants not liable to attachment as aforesaid, it shall be lawful for the plaintiff to have against them a capias ad respondendum, in all cases where they would otherwise be liable to arrest, and thereupon, the like proceedings shall be had as in other cases of such writ, and the garnishees shall be liable to arrest upon a capias, in the manner hereinbefore provided, where all the defendants in the writ are liable to such attachment.

SECTION 72. The plaintiff in such writ, shall be entitled to proceed thereon against the defendants named in the clause of summons or capias, in like manner, and with like effect, as if one writ of summons or capias had been issued against all the defendants, instead of a writ in the form

aforesaid; and he shall also be entitled to proceed against the defendants named in the clause of attachment, and their estate or effects, seized or bound thereby, in the manner hereinbefore provided where all the defendants in such writ are attached.

SECTION 73. If a judgment be rendered against the defendants who shall have appeared as aforesaid, execution thereof may be had, in like manner as in the case of a judgment rendered upon the confession of the defendant; and if such defendants have nothing, or not sufficient whereof to levy such judgment, it shall be lawful for the plaintiff to levy his judgment, or the residue thereof, of the goods and effects which may remain, subject to the attachment, proceeding therein in all respects, in the manner hereinbefore provided, where none of the defendants enter bail as aforesaid.

SECTION 74. *Provided nevertheless,* That the court may, if they see cause, award execution of the whole or any part of such judgment, against the goods or effects of the defendants attached in the first instance, saving, nevertheless, to all the defendants, their respective rights and claims against each other in that behalf.

SECTION 75. If any of such defendants against whom a summons or capias shall issue as aforesaid, shall plead any plea in bar of the whole action, in the manner and form in which it is brought, and a verdict and judgment absolute thereon, be rendered for such defendant, the attachment against the other defendant shall, upon the motion of any person interested, be dissolved, and the goods and effects thereby bound, shall be discharged, unless the plaintiff shall, within a year and a day thereafter, sue out and prosecute a writ of error to reverse such judgment, and in the mean time, and until such judgment be reversed, no further proceedings shall be had upon any judgment which may have been rendered against any defendant attached.

SECTION 76. A writ of attachment, in the form aforesaid, may be issued against any foreign corporation, aggregate or sole, and the proceedings aforesaid, may be had thereon, so far as the case will permit; and such attachment and proceedings may be dissolved as aforesaid, upon an appearance by an attorney, and a deposit made as aforesaid, or security given for the debt or demand in lieu thereof, in such sum and form as the court from which such writ issues, shall direct.

SECTION 77. If the person against whom any attachment as aforesaid shall be issued, shall be a female, it shall be lawful for such female, in lieu of bail, to give security for the debt or demand, or to deposit a sum of money, as provided in the case of a corporation; and thereupon, if such female shall cause an appearance to be entered to the action, in the

manner practised upon writs of summons, the attachment shall be dissolved.

III. IN CASE OF A CONVICT.

SECTION 78. A writ of attachment, in the form aforesaid, may be issued against a person under sentence of imprisonment, upon conviction of a crime by a court of competent jurisdiction, and such attachment may be dissolved in the manner hereinbefore provided in the case of a foreign corporation, and not otherwise; but if in such case, the term of imprisonment of the defendant shall elapse, or if he shall be otherwise legally discharged therefrom, before the money shall be paid, it shall be lawful for him to put in and perfect special bail to the plaintiff's action, and thereupon, the security which may have been given by him in lieu of bail, shall cease and become void, and any deposit which may have been made aforesaid, shall be restored to him.

III. COMMENCEMENT OF REAL ACTIONS.

SECTION 79. Actions of dower, partition, waste, ejectment, nuisance, and all other pleas of land, may be commenced in any court of the county wherein the lands or tenements in question are situate, having original jurisdiction thereof, either by agreement of the parties, in the manner and with the effect provided in the case of personal actions, or by writ.

SECTION 80. In cases where the subject of controversy shall be a tract of land, or any other single tenement, situate in different counties, it shall be lawful to commence an action as aforesaid, in either of the counties, and in such case, the sheriff of the county in which such writ shall issue, shall have power to execute the same, and all other process, whether original or final, which may be issued in such action, in like manner, and with like effect as if the said counties were within his proper bailwick.

SECTION 81. Whenever any action shall in such case be commenced in any such county, no other action between the same parties for the same cause, shall be instituted, during the pendency thereof, in any other county.

SECTION 82. The writ which shall be used for the commencement of any such action, shall be in all cases, unless otherwise especially provided, a writ of summons, which shall be directed to the sheriff of the county in which the action is commenced, and shall be made returnable in the manner, and according to the rules provided in the case of personal actions.

SECTION 83. If any defendant in any real action as aforesaid, shall be a minor, service of the writ shall be as follows:
1. If any such defendant have a guardian of his estate,

service thereof shall be made upon such guardian, in the manner directed by law.

II. If any such defendant be above the age of fourteen years, service thereof shall also be made upon him, in the same manner as is directed by law in the case of adults.

III. If any such defendant be under the age of fourteen years, and have no guardian as aforesaid, service thereof shall be made upon the next of kin of such defendant, residing in the county wherein such defendant shall reside, in the manner aforesaid.

But in every case in which any such defendant shall not have a guardian as aforesaid, it shall be the duty of the plaintiff, upon or after the day on which he might take judgment by default, against such minor, if he were of full age, and before any plea pleaded, or rule taken in the action, to make application to the court in which such action shall be brought, for the appointment of a guardian of such minor in that cause, if such minor shall not have appeared by his guardian as aforesaid, and such appointment being made, he shall give notice thereof to the person appointed.

SECTION 84. The court which shall appoint a guardian ad litem of a minor, defendant in any cause, shall have power to require security of such guardians for the faithful execution of the trust, and in all cases, whether such security shall be given or not, such guardians shall be responsible to their wards, in like manner as guardians appointed by the Orphans' court, and they shall also be entitled to a reasonable compensation for their services.

SECTION 85. If damages shall be recoverable, and shall be demanded, in any such action, it shall be lawful for the plaintiff by a rule, to require the defendant, if he would be liable to arrest in a personal action, to enter bail, or give security, in such sum as shall be sufficient, in the judgment of the court, to satisfy the damages and costs to which such plaintiff may be entitled, and the proceedings for that purpose, shall be conducted in such manner as the court in which such action may be depending, by their rules shall direct.

SECTION 86. The officer serving any such writ, shall in all cases state in his return the time and manner in which the service thereof was made, and in case the publication of the writ, or of the substance thereof, shall be required by law, or by any order of the court, compliance therewith shall be shewn by affidavit, or otherwise, to the satisfaction of the court.

SECTION 87. After the service of any such writ, or notice thereof, given as aforesaid, if the defendant shall not appear, it shall be lawful for the plaintiff, without other process, to file his declaration or statement, as by law shall be required or allowed, and at such time and manner as may be allowed

by law, have judgment thereon for such default of appearance, and no essoin or saver-default in any such case be received or allowed.

SECTION 88. Whenever it shall be lawful to cause service of any writ as aforesaid, to be made upon any defendant out of the county in which the action may be commenced, the sheriff of the county in which such defendant may reside or be found, shall by virtue of his office, have within his county, the power of a deputy to the sheriff of the county in which such writ shall have issued, for the purpose of executing such writ, without any special deputation for the purpose.

SECTION 89. That all laws hereby altered or supplied, so far as are inconsistent with this act, are hereby repealed.

SECTION 90. The provisions of this act, so far as they alter or add to existing laws or customs, shall go into effect from and after the first day of September next, and not before.

NER MIDDLEWSARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The thirteenth day of June, Anno Domini, eighteen hundred and thirty-six.

JOS: RITNER.

No. 171.

An Act

Relating to lunatics and habitual drunkards.

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An act relating to lunatics and habitual drunkards.

I. OF THE COMMISSION OF LUNACY OR HABITUAL DRUNKENNESS, AND THE INQUISITION HELD THEREON.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the*

authority of the same, That it shall be lawful for any court of Common Pleas of this commonwealth, to issue a commission, in the nature of a writ de lunatico inquirendo, as heretofore practised and allowed, to inquire into the lunacy or habitual drunkenness of any person being within this commonwealth, or having real or personal estate therein.

SECTION 2. The jurisdiction aforesaid, shall be exercised as follows, viz:

- I. If any person alleged to be a lunatic or habitual drunkard, shall reside within the commonwealth, such commission shall be issued by the court of the county in which he shall reside, and shall be executed therein: *Provided*, That if an alleged lunatic shall be under restraint, in any place within this commonwealth, out of the county of his residence, and it shall be made to appear, to the satisfaction of the court of such county, that such person cannot conveniently be removed to the place of his residence, such commission may be executed in the county where such person may be so restrained.
- II. If such alleged lunatic or habitual drunkard shall not have any residence within this commonwealth, such commission may be issued by the court of the county in which he may be, and shall be executed therein.
- III. If any inhabitant of this commonwealth shall be absent therefrom, such commission may be issued by the court of the county in which his last place of residence was, or in which he may have any real estate, and shall be executed therein.

SECTION 3. The commission aforesaid, shall be made according to the following form, viz:

The Commonwealth of Pennsylvania, to

Greeting:

WHEREAS, we have been informed in our court,
 () that , of the county of ,
 now is a lunatic, (or habitual drunkard, as the case be,) and
 we, being willing to be more fully satisfied of the state of
 the said in the premises, have appointed, and do
 hereby appoint, authorize, and command you, (or any two
 of you, if the commission be directed to three or more,) that, at such certain day and place as you (or any two of you) shall think fit, you diligently inquire, by the oaths or affirmations of six good and lawful men of the county of , by whom the truth of the matter may be better known, whether the said is a lunatic (or habitual drunkard, as the case may be) or not, and if you find him to be a lunatic, then how long he hath been so, and if he enjoys lucid intervals, and what lands and tenements, goods and chattels he was seized or possessed of, or entitled to, at the time of his

becoming a lunatic, and the value thereof, and whether he hath since aliened or disposed of them, or any part thereof, and to whom; (or in the case of an alleged habitual drunkard, if you find him to be so, what lands and tenements, goods and chattels he is seized or possessed of, and how much the said lands and tenements are worth by the year, and what is the value of the same goods and chattels,) and how old he is, and who are his heirs, or next of kin, and the ages of the said heirs or next of kin, respectively.

And for the purpose aforesaid, we do authorize and empower you (or any two of you) to issue, under your hand and seal, (or the hands and seals of any two of you,) all such writs of venire, subpoena, and habeas corpus, as to you (or any two of you) shall seem necessary and proper, and to enforce obedience to the same, and to all necessary orders and rules in the premises, as fully as our said court may lawfully do; and the inquisition so to be made, you are to return to our said court, on or before the _____ of _____ next, under your hand and seal, (or the hands and seals of any two of you,) and the hands and seals of those by whom you shall make that inquisition, and this commission; Witness _____ president, (or as the case may be,) of our said court, at _____, the _____ day of _____, A. D. 18 ____.

Prothonotary.

SECTION 4. *Provided*, That no commission shall be issued for any purpose as aforesaid, except upon the application in writing, of a relation by blood or marriage, of the person therein named, or of a person interested in his estate.

II. Nor, unless such application be accompanied by affidavits of the truth of the facts therein stated.

SECTION 5. It shall be lawful for the court to cause any such commission as aforesaid, to be directed or addressed to any one or more person or persons, who shall have the same powers heretofore possessed by the three, or more, commissioners in such commission named, and the inquisition made thereon by such one or more commissioner, shall be good and valid, to all intents and purposes, as if such commission had been directed or addressed to, and the inquisition returned by three or more commissioners, as heretofore.

SECTION 6. It shall be the duty of the court, at the time of granting any application as aforesaid, to make such order respecting notice of the execution of the commission to the party, with respect to whom such commission shall be issued, or to some of his near relations or friends, who are not concerned in the application, as the said court shall deem advisable.

SECTION 7. It shall be lawful for the commissioner or commissioners as aforesaid, in their venire to the sheriff, to require him to summon such number of persons, not less

than six, nor more than twelve, upon the inquest, as the circumstances of the case may seem to them to require.

SECTION 8. It shall be lawful for any court of Common Pleas, if they shall be satisfied upon such application, that the party with respect to whom the proceedings are instituted, has no estate, or that his estate is so small, that the costs of the inquisition will be found an undue burthen, to direct an inquest to be impanelled, from the jurors attending the court, and that the inquisition be held by one of the judges of the court, at such convenient time and place as shall be ordered by the said court, and the inquisition so made, shall have the like force and effect as an inquisition held by commissioners, as aforesaid.

SECTION 9. If upon such inquisition, it shall be found that the party with respect to whom the application was made is not a lunatic or habitual drunkard, and it shall appear to the judge holding such inquisition, that there was not probable cause for such application, he shall certify the same on such inquisition, and thereupon, the party by whom such application was made, shall be liable for the costs of the proceeding, in like manner as prosecutors in criminal cases, when directed by the jury to pay the costs of prosecution.

SECTION 10. Every commissioner shall be entitled to receive such reasonable sum for his services, as the court shall allow and direct.

SECTION 11. Every person impanelled upon an inquest held by commissioners as aforesaid, shall be entitled to receive seventy-five cents for his services, and if not completed in one day, he may receive one dollar for each day he shall be employed thereon, and the sheriff shall be allowed the same fees as are provided for in the general fee bill, for holding inquisitions on real estate.

II. OF THE TRAVERSE OF AN INQUISITION.

SECTION 12. Every person aggrieved by any inquisition as aforesaid, may traverse the same, upon or after the return of the same, and proceed to trial thereon, and have like remedy and advantage as in other cases of traverse upon untrue inquisitions, or office found.

SECTION 13. It shall be lawful for the court after the return of the inquisition as aforesaid, notwithstanding any traverse of the same that may be pending, to make such orders touching the care and custody of the person, and the management and safe keeping of the estates of any person, so found to be a lunatic or habitual drunkard, as they shall think necessary and proper.

III. APPOINTMENT OF A COMMITTEE, AND HEREIN OF FOREIGN COMMITTEES.

SECTION 14. On the return of any inquisition as aforesaid, finding that the person therein named is a lunatic or habitual

drunkard, it shall be lawful for the court to commit the custody and care of the person or estate, or both, of such lunatic or habitual drunkard, to such person or persons as they shall deem most suitable, according to the rules heretofore practised and allowed.

SECTION 15. But before any person appointed committee of the estate of a lunatic, or of an habitual drunkard, shall perform any act as such, he shall give security, in such sum as the court shall direct, with condition for the faithful performance of the said trust, and duly to account, according to law, for all property and funds that may have come into his hands.

SECTION 16. The finding of a person to be a lunatic or habitual drunkard as aforesaid, in any court of Common Pleas of the commonwealth, having jurisdiction as aforesaid, and the appointment of a committee by the same authority, shall have the like effect, in every other county of this commonwealth, as in that in which the said proceedings took place.

SECTION 17. The appointment of any committee, guardian, trustee, or the like, by any authority out of this commonwealth, shall not authorize the person so appointed, to control the person or estate of any lunatic or habitual drunkard resident within this commonwealth, or to interfere with the real estate, situate within this commonwealth, of any lunatic or habitual drunkard, whether resident within this commonwealth, or otherwise.

SECTION 18. That in the case of a person residing out of this commonwealth, and duly found or proved to be a lunatic or habitual drunkard, according to the laws of the place in which he shall reside, it shall be lawful for the court of Common Pleas of any county of this commonwealth, to admit copies of the proceedings in such case, duly authenticated, as sufficient proof for the appointment of a committee of the person or estate of such person, for this commonwealth.

IV. AUTHORITY AND DUTIES OF A COMMITTEE AND HEREIN OF THE SALE OF REAL ESTATE AND EXECUTING THE CONTRACTS OF LUNATICS.

SECTION 19. It shall be the duty of every such committee, within forty days after he shall have undertaken the trust, to file, in the office of Prothonotary of the court having jurisdiction, as aforesaid, a just and true inventory of all the personal estate belonging to the lunatic or habitual drunkard, so far as the same had come to his possession or knowledge, together with a statement of the real estate, and within forty days after any other personal or real estate shall have come to his possession or knowledge, it shall be his duty to file an additional or supplemental inventory or statement, containing

the same: *Provided*, That in case of the committee of a person found to be a lunatic or habitual drunkard, by any authority out of this commonwealth, such inventory and statement may be of the real and personal estate, within this commonwealth, of such lunatic or habitual drunkard.

SECTION 20. The committee of the estate of every person found to be a lunatic or habitual drunkard, as aforesaid, shall have the management of the real and personal estate of such person, and shall from time to time, apply so much of the income thereof as shall be necessary to the payment of his just debts and engagements, and the support and maintenance of such person, and of his family, and for the education of his minor children.

SECTION 21. If the income of the estate of such person shall not be sufficient for the purposes aforesaid, it shall be lawful for the committee aforesaid, under the directions of the court, to apply so much of the principal of the personal estate as shall be necessary for the purpose.

SECTION 22. If the personal estate of such lunatic or habitual drunkard, shall not be sufficient for the purposes aforesaid, it shall be lawful for the Court of Common Pleas, having jurisdiction of the accounts of the committee of such person, to make an order, authorizing such committee to sell at public sale, or mortgage, such parts of the same as the said court shall deem expedient.

SECTION 23. But no such order shall be made, unless the application of the committee for the same be accompanied with:

I. A true and perfect statement or inventory of the real and personal estate, so far as the same has come to his knowledge:

II. A statement of the debts due by such lunatic or habitual drunkard, so far as he can ascertain the same:

III. An estimate of the sum that would probably be required annually, for his support and maintenance, and for the support and maintenance of his family, and education of his children, if he have any.

Which statements, estimate and inventory, shall, in all cases, be supported by the oath or affirmation of the applicant.

SECTION 24. No order for the sale or mortgage of real estate, as aforesaid, shall be granted, unless it appear that due notice of the intended application was given to the wife, if any, and the next of kin of the lunatic or habitual drunkard, capable of inheriting the estate.

SECTION 25. It shall be lawful for the court, upon any application as aforesaid, to appoint an auditor to investigate the facts of the case, and to report upon the expediency of granting the application, and if the case shall require it, the amount proper to be raised by such sale or mortgage.

SECTION 26. Every order for the sale of real estate, as aforesaid, situate within the same county, shall specify the property to be sold, the notice of the sale to be given by the committee, the terms of sale, the amount of security to be given by the committee, and the day on which the order of sale is to be returnable.

SECTION 27. Every order for the mortgage of real estate, as aforesaid, shall specify the amount to be raised by mortgage, the property to be mortgaged, the rate of interest to be paid, the amount of security to be given by the committee, and the day on which the order is to be returnable.

SECTION 28. When the real estate of such person is situate in another county or counties, or in the same and another county or counties, and the court of Common Pleas aforesaid, shall be satisfied of the expediency of a sale, or mortgage, of some portion of such real estate, not within their jurisdiction, it shall be lawful for such court to make an order, authorizing such committee to raise so much money as the said court may think necessary, from real estate situate in such county, as they may designate, and thereupon, it shall be the duty of the court of Common Pleas of the county wherein the real estate so designated is situate, upon the petition of such committee, to make an order for the sale, or mortgage, as they shall think expedient, of so much and such parts of such real estate as shall, in their opinion, be necessary to raise the specified sum.

SECTION 29. The committee shall make return to the court of Common Pleas of the county in which the real estate is situate, at the time appointed in the order, of the manner in which such order shall have been executed, and the same being in conformity with such order, shall be confirmed by the court.

SECTION 30. But no sale or mortgage of real estate, as aforesaid, shall be confirmed by the court, until the committee have given security, to the satisfaction of the court, for the faithful application of the proceeds of such sale or mortgage, according to the duties of his trust.

SECTION 31. On the return made of any sale or mortgage, as aforesaid, if the same be confirmed by the court, the committee shall execute such deed of sale, or mortgage, as may be according to the terms of the contract, which deed, so executed, shall be effectual to convey, or mortgage, as the case may be, all the right, title and interest of the lunatic or habitual drunkard, according to the terms of the contract, as aforesaid.

SECTION 32. If the committee in such case shall die, or from any cause, or in any manner, become incapable of executing such deed, it shall be lawful for the court, on the petition of the purchaser or mortgagee, to direct the protho-

notary of the court to execute and deliver to the purchaser or mortgagee, the necessary deed, on his paying into court the money otherwise payable to the committee as aforesaid, and in other respects complying with the terms of the contract, and the deed so executed by the prothonotary, shall be as valid and effectual, to all intents and purposes, as if executed by the committee aforesaid; or in any case as aforesaid, if a new committee shall have been appointed, and give security according to law, it shall be lawful for the court to order the deed to be executed by such new committee, on the payment to him of the purchase or mortgage money, and the performance of the terms of the contract, as aforesaid.

SECTION 33. The like proceedings may had, if any committee, as aforesaid, shall neglect or refuse to execute any deed of sale, or mortgage, as aforesaid, without sufficient cause shown for such neglect or refusal, after due notice to such committee of the application, as aforesaid.

SECTION 34. It shall be lawful for any committee as aforesaid, by the leave, and under the direction of the court of Common Pleas having jurisdiction, as aforesaid, to invest the money of a lunatic or habitual drunkard, in such stocks, or upon such security, as shall be approved of by such court, and if such investment be made, bona fide, the committee making the same, shall not be liable for any loss that may arise thereby.

SECTION 35. Whenever any person shall, by a bargain or compact in writing, bind himself to sell and convey any real estate within this commonwealth, and afterwards shall become a lunatic or habitual drunkard, as aforesaid, and shall be so found by an inquisition, as aforesaid, being seized or possessed of such real estate, it shall be lawful for the committee of the estate of such person, or for the purchaser of such real estate, or other person interested in such contract, to apply by bill or petition, to the court of Common Pleas, having jurisdiction of the accounts of such committee, setting forth the facts of the case, and after due notice of such bill or petition, to the purchaser, or to the committee and next of kin of such lunatic or habitual drunkard, as the case may require, to appear in court on a day certain, and answer such bill or petition, if there be cause; such court shall have full power, if the facts of the case be sufficient in equity, and no sufficient cause be shown to the contrary, to decree the specific performance of such contract, according to the true intent and meaning thereof: *Provided*, That either parties, when facts are controverted, may require a decision thereon by a jury.

SECTION 36. The order or decree of the court of Common Pleas for the specific performance of any such contract, in the cases hereinbefore mentioned, being certified by the clerk of such court, under the seal thereof, may be recorded

in the office for recording of deeds, in the county where such real estate is situate, in like manner as deeds are recorded, and with the same effect.

SECTION 37. When such order or decree for the specific performance of any such contract shall have been made, and the purchase money paid, or secured to be paid, according to the terms of such contract, it shall be the duty of the committee aforesaid, to execute such deed of conveyance, as shall be directed by the court, in conformity with the intention of such contract, and the same being so made, shall be of the same force and effect to pass and vest the estate intended, as if the same had been executed by the person so contracting, when of sufficient ability.

SECTION 38. The like proceedings may be had in all respects, whenever any parol contract shall have been entered into, by any person who shall become a lunatic or habitual drunkard, as aforesaid, for the conveyance of real estate within this commonwealth, of which such person shall be seized or possessed at the time of the inquisition, in all cases where such parol contract shall have been so far executed, that it would be against equity to rescind the same.

SECTION 39. Whenever any person shall have contracted as aforesaid, for the purchase of any real estate within this commonwealth, and shall afterwards, and without having executed such contract, become a lunatic or habitual drunkard, and be found as aforesaid, it shall be lawful for the court having jurisdiction as aforesaid, on the application of the vender, or of the committee, or of any person interested in such contract, in the manner hereinbefore provided, to make such order for the performance of the contract as shall be according to the rules of equity, and the terms of such contract, or on the application of the committee, or other person interested, made as aforesaid, and with the assent of the vender, to make a decree for the rescinding of such contract, if such proceeding shall not be disadvantageous for the estate of such lunatic or habitual drunkard, upon such terms as shall be equitable and just, and the like proceedings may be had upon any parol contract, made as aforesaid, and so far executed as that the same may be enforced, according to the rules of equity.

SECTION 40. Every committee of the estate as aforesaid, shall, at least once in three years, and at any other time when so required by the court, render an account of the management of the property committed to him as aforesaid, including the particulars of his receipts and expenditures, which accounts shall be filed in the office of the prothonotary of the court, for the information of the court, and the inspection of all parties concerned.

SECTION 41. And every committee as aforesaid, shall on the determination of his trust, by the death of the party, or otherwise, settle in the said office, a full and complete account of his management of the property under his care, including all the items embraced in every preceeding settlement.

SECTION 42. In every case in which a committee of the person of a lunatic or habitual drunkard, shall be appointed separately from a committee of the estate, such committee of the person shall settle an account of his transactions as such, in the office of the prothonotary, as aforesaid, whenever so required by the court.

SECTION 43. The several courts of Common Pleas, and the judges thereof respectively, shall have the like power and authority in respect to the control, removal, dismissal, and discharge of committees of the person or estate of any person found by inquisition to be a lunatic or habitual drunkard, as are now possessed by the several Orphans' courts, and the judges thereof, in respect to guardians or minors.

V. PROCEEDINGS IN CIVIL ACTIONS AGAINST LUNATICS.

SECTION 44. No person, found by inquisition to be a lunatic, shall be liable to arrest or imprisonment, upon mesne or final process in any civil action, so long as such person shall remain of unsound mind.

SECTION 45. Every writ for the commencement of an action, against a person found to be a lunatic, as aforesaid, shall be served on the committee of the estate of such person, or upon the committee of the person, if there be no committee of the estate, and proceedings may thereupon be had, in like manner as if service had been made upon the defendant, being of sound mind.

SECTION 46. If any person found by inquisition to be a lunatic, shall be arrested or imprisoned as aforesaid, in any civil action, it shall be the duty of the court from which the process shall have issued, and of any judge thereof, in vacation, on the application of any person on behalf of the defendant, and the production of a certified copy of the proceedings upon such inquisition, to discharge such defendant from arrest or imprisonment, without bail.

SECTION 47. *Provided,* That if the plaintiff in such action shall make affidavit, that he verily believes that such inquisition was unduly or untruly found, or that the defendant is restored to a sound state of mind, as the case may be, the court may, in their discretion, order the defendant to be held to bail, if he be in other respects liable thereto.

SECTION 48. If any person arrested or imprisoned as aforesaid, in any civil action, shall appear to be of unsound mind, it shall be the duty of the jailor or keeper of the prison, forthwith to give notice of the fact, to two or more aldermen or justices of the peace of the city or county,

and require them to attend at such prison, and inquire into the state of mind of such person.

SECTION 49. It shall be the duty of the said aldermen or justices, upon such notice, and also, in case such aldermen or justices shall receive information of the fact by other means, to attend at the said prison, and by their own view, and by examination, on oath or affirmation of such persons as they shall think fit to examine, they shall inquire into the state of mind of such prisoner, and if it shall appear to such alderman or justices, that such prisoner is of unsound mind, and unfit to apply for the benefit of the acts for the relief of insolvent debtors, they shall forthwith make a record of the fact, and certify the same to the prothonotary of the court of Common Pleas of the same county.

SECTION 50. It shall be the duty of the said prothonotary, forthwith, to make known such record to the court of Common Pleas, if in session, or to some judge thereon, in vacation, and thereupon, such court, or such judge, shall appoint a day, not more than twenty, nor less than ten days, for hearing any objections to the discharge of such prisoner, and it shall then be the duty of such prothonotary, to cause notice to be inserted in one or more newspapers published in the county, and also, to be given to the creditor at whose suit such prisoner shall be detained, his agent or attorney, at least one week before the day of hearing, that application will be made to the court, or the judges, as the case may be, for the discharge of such prisoner, on the day therein specified.

SECTION 51. On the day appointed for the hearing, as aforesaid, if it shall appear that notice has been published and given as aforesaid, the court, or judge, as the case may be, may proceed to ascertain the state of mind of such prisoner, and if they or he shall be satisfied that such prisoner is of unsound mind, an order shall be made for the discharge of such prisoner from confinement, which shall be entered of record in the said court: *Provided*, That if it shall appear to such court or judge, that such person is not in a fit condition of mind to be set at large, it shall be lawful for such court or judge to make an order that he be detained in custody, or delivered to his kindred or friends, in the manner hereinafter provided in the case of a lunatic charged with any crime or misdemeanor.

SECTION 52. If any person as aforesaid, be in confinement upon mesne process in any civil action, it shall be the duty of the said court, or of the said judge, before making such order of discharge, to appoint some suitable person, being of the kindred of the said prisoner, if such can be found, to appear and act for the prisoner in the matter of the said action, and to order that the appearance of such person to the action be forthwith entered of record.

SECTION 53. If such person be in confinement on any *capias ad satisfaciendum*, in any civil action, as aforesaid, it shall be the duty of the said court, or of the said judge, to appoint two suitable persons to act as assignees of the estate and effects of such prisoner, and thereupon, the order of discharge of the said prisoner, shall operate as a present assignment of all the estate, property, and effects whatsoever, of the said prisoner, to such assignees, for the benefit of his creditors, in the same manner, and with the same effect, to all intents and purposes, as if such assignment were made by the party himself, being of sound mind, under the laws relating to insolvent debtors.

SECTION 54. The assignees so to be appointed, shall have the like powers and authorities, and shall be subject to the same responsibilities, and liable to the performance of the same duties, as assignees appointed under the acts aforesaid, relating to insolvent debtors.

SECTION 55. The order of the court, or of the judge aforesaid, being duly certified to the sheriff, jailor, or keeper of the prison, shall be a sufficient warrant for the discharge of the prisoner, and after such order shall be made, the person therein named, shall not be liable to arrest or imprisonment, at the suit of the same, or any other creditor, unless upon the order of the court, after proof made of his becoming of sound mind.

SECTION 56. It shall be lawful for the court in which any action shall be depending, or any judge, in vacation, upon application by the special bail in such action, at any time before such bail shall have become absolutely liable, setting forth that the principal had been, before the time of arrest, found by an inquisition to be a lunatic, or had subsequently thereto been so found, and that in consequence of such lunacy, he could not be surrendered to the prison without prejudice to his health, or safety, to hear and decide the question in a summary way, after due notice to the plaintiff in the action, and if upon such hearing, the court, or judge, as aforesaid, shall be satisfied of the truth of the facts stated in such application, it shall be lawful for such court or judge, to order an *exoneretur* to be entered on the bail piece.

SECTION 57. *Provided,* That if such application be made before judgment in the action, it shall be the duty of the said court, or of the said judge making such order, to appoint some suitable person as aforesaid, to appear and act for the defendant in the matter of the said action, and to order that the appearance of such person to the action be forthwith entered of record.

VI. CRIMINAL PROCEEDINGS AGAINST LUNATICS.

SECTION 58. In every case in which it shall be given in evidence upon the trial of any person charged with any crime

or misdemeanor, that such person was insane at the time of the commission or such offence, and such person shall be acquitted, the jury shall be required to find specially, whether such person was insane at the time of the commission of such offence, and to declare whether such person was acquitted by them on the ground of such insanity, and if they shall so find and declare, the court before whom the trial was had, shall have power to order such person to be kept in strict custody, in such place, and in such manner as to the said court shall seem fit, at the expense of the county in which the trial was had, so long as such person shall continue to be of unsound mind.

SECTION 59. The same proceedings may be had if any person indicted for an offence, shall, upon arraignment, be found to be a lunatic, by a jury lawfully impanelled for the purpose, or if upon the trial of any person so indicted, such person shall appear to the jury charged with such indictment to be a lunatic, in which case, the court shall direct such finding to be recorded, and may proceed as aforesaid.

SECTION 60. In every case in which any person charged with any offence shall be brought before the court, to be discharged for want of prosecution, and shall, by the oath or affirmation of one or more credible persons, appear to be insane, the court shall order the prosecuting attorney, to send before the grand jury, a written allegation of such insanity, in the nature of a bill of indictment, and thereupon, the said grand jury shall make inquiry into the case, as in cases of crimes, and make presentment of their finding to said court, and if said grand jury shall affirm said written allegation, they shall endorse the same thereon, and thereupon, the court shall order a jury to be impanelled, to try the insanity of such person, but before a trial thereof be ordered, the court shall direct notice thereof to be given to the next of kin of such person, by publication or otherwise, as the case may require, and if the jury shall find such person to be insane, the like proceedings may be had as aforesaid.

SECTION 61. *Provided*, That if the kindred or friends of any person who may have been acquitted as aforesaid, on the ground of insanity, or in default of such, the guardians, overseers, or supervisors of any county, township, or place, shall give security, in such amount as shall be satisfactory to the court, with condition that such lunatic shall be restrained from the commission of any offence, by seclusion, or otherwise; in such case, it shall be lawful for the court to make an order for the enlargement of such lunatic, and his delivery to his kindred or friends, or as the case may be, to such guardian, overseers, or supervisors.

SECTION 62. The estate and effects of every such lunatic shall, in all cases, be liable to the county aforesaid, for the

re-imbursement of all costs and expenses paid by such county in pursuance of such order, but if any person acquitted on the ground of insanity, shall have no estate or effects, the county, township, or place to which such lunatic may be chargeable, under the laws of this commonwealth, relating to the support and employment of the poor, shall, after notice of his detention as aforesaid, be liable for all costs and expenses as aforesaid, in like manner as if he had become a charge upon any township not liable for his support, under the laws aforesaid.

VII. OF SUPERCEDING A COMMISSION OF LUNACY.

SECTION 63. It shall be lawful for the court to which any inquisition shall be returned, as aforesaid, on petition by the party, setting forth that he is restored to a sound state of mind, or that he is reformed, and become habitually sober, as the case may be, to take proofs of the facts, and if the court shall be satisfied of the truth of the allegations in such petition, it shall be their duty, to make an order that the commission issued in such case, and the inquisition taken thereon, and the appointment of committee, and all proceedings relating thereto, be suspended, or altogether superceded and determined, as the court shall decide.

SECTION 64. The order of the court, as aforesaid, duly certified, shall have all the effect of a writ of supersedeas, in respect to the estate, or rights and privileges of such party, and may be enforced by attachment.

SECTION 65. *Provided*, That the order of the court for the superceding of the commission, as aforesaid, shall not have the effect of rendering the estate of such person liable for any contract made by him at any time previous to such order.

VIII. PENALTY ON INN-KEEPERS SELLING TO HABITUAL DRUNKARDS.

SECTION 66. If any inn keeper, distiller, grocer, or other person, shall receive notice from the committee of an habitual drunkard, not to furnish or supply him with any liquor, and shall, after such notice, sell, or in any manner furnish or supply any wine, or spirituous, or mixed liquors, to such habitual drunkard, or any person for him, every person so selling or furnishing, shall forfeit and pay the sum of ten dollars for every such act, to be recovered as debts of the same amount are by law recoverable, and to be appropriated, one half to the county treasury, and the other half to the person who shall sue for the same.

SECTION 67. The word "lunatic" in this act, shall be construed to mean and include every person of unsound mind, whether he may have been such from his nativity, as idiots, or have become such from any cause whatever.

SECTION 68. All laws hereby altered or supplied, so far as are inconsistent with this act, are hereby repealed, and this act shall take effect from and after the first day of September next.

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The thirteenth day of June, Anno Domini, one thousand eight hundred and thirty-six.

JOS: RITNER



No. 172.

A n A c t

Relating to Domestic Attachments

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20. Proviso to the preceding section.
21. Power to summon and examine persons.
22. Persons refusing to appear to be examined, may be committed to prison.
23. Proviso that any person committed may be enlarged on giving bail, &c.
24. Same as to books, &c. of defendant.
25. Proceedings if the garnishee or other person reside in another county.
26. Trustees may break open doors, &c.
27. Trustees may recover property fraudulently disposed of by the debtor.
28. Property mortgaged, &c. may be redeemed by the trustees.
29. After a certain time, the trustees may sell, convey, &c. the estate of the debtor.
30. Proviso—notice to be given before every sale.
31. After a certain time, trustees to receive proof of claims, and make report thereof.
32. Prothonotary to give notice of the filing of such report, and proceedings thereon.
33. Second and other dividends may be made.
34. Proviso—no preference to be allowed to debts due on specialties.
35. Debts payable at a future day, may be provided as if payable presently.
36. Set-off in case of mutual debts.
37. The overplus, if any, to be returned to the defendant.
38. After final distribution, the trustees to settle and file their accounts.
39. Power of the court to dissolve the attachment, on application of the defendant.
40. Power of the court to make orders respecting the costs in such case.
41. No second or other attachment to be issued, &c.
42. The death of the defendant not to affect the proceedings.
43. Appeal to the Supreme court.
44. Repealing clause; when this act shall take effect.

An act relating to Domestic Attachments.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the*

authority of the same, That writs of domestic attachments may be issued by the court of Common Pleas of the county in which any debtor, being an inhabitant of this commonwealth, may reside, if such debtor shall have absconded from the place of his usual abode, within the same, or shall have remained absent from this commonwealth, or shall have confined himself in his own house, or concealed himself elsewhere, with design, in either case, to defraud his creditors.

And the like proceedings may be had if any debtor, not having become an inhabitant of this commonwealth, shall confine or conceal himself within the county, with intent to avoid the service of process, and to defraud his creditors.

SECTION 2. But no such writ shall be issued, except upon oath or affirmation, previously made, by a creditor of such person, or by some one in his behalf, of the truth of his debt, and of the facts upon which the attachment shall be founded, which oath or affirmation shall be filed on record.

SECTION 3. The writ aforesaid shall be made according to the following form, viz:

County, ss.

The Commonwealth of Pennsylvania,

To the sheriff of county, greeting:

Whereas, A. B., late of the county, has absconded from the place of his usual abode in said county, (reciting the matters of fact contained in the affidavit, as the case may be,) with design to defraud his creditors, as it is said; therefore, we command you that you attach, all and singular the goods and chattels, lands and tenements of the said A. B. within your bailiwick, in whose hands or possession soever the same may be, for the benefit of C. D., who sues this writ, and of the other creditors of the said A. B.: and we further command you, that you cause the goods and chattels attached by virtue of this writ, forthwith to be secured and appraised, and an inventory thereof to be made, and how you shall have executed this writ make known to our judges at , in the county aforesaid, on the day of , and have you then there this writ, together with the said inventory and appraisement: Witness, &c.

SECTION 4. Every writ of domestic attachment, shall contain a clause requiring the sheriff, or other officer, to summon the garnishee, or person in whose hands any of the defendant's money or other effects may happen to be, to appear before the court from which the writ shall issue, at the day and place mentioned in the said writ, to abide the orders of the court in the premises.

SECTION 5. It shall be lawful for the plaintiff, in any case of attachment as aforesaid, to cause to be inserted in the

body of the writ, a clause of *capias* against the garnishee, under the same rules and regulations as are prescribed by law in cases of foreign attachment.

SECTION 6. If real estate shall be attached within the county in which such writ of attachment shall issue, it shall be the duty of the sheriff to file a description thereof, and cause the same to be entered upon the docket of the prothonotary of the court out of which such attachment issued, in the manner provided by law in the case where real estate is attached by virtue of a writ of foreign attachment; and also, to cause a copy of said attachment, by him certified, to be put up in some conspicuous place on such real estate, and where there is a tenant, it shall be the duty of the sheriff to leave a copy of the writ with him, or any other person in actual possession, holding under the defendant, and to summon him as garnishee.

SECTION 7. It shall be lawful for any other creditor of such person, upon affidavit of his debt as aforesaid, to suggest his name upon the record, and thereupon, such creditor may proceed to prosecute the said writ, if the person suing the same shall refuse or neglect to proceed thereon, or if he shall fail to establish his right to prosecute the same, as a creditor of the defendant.

SECTION 8. In case any perishable goods shall be attached by virtue of such writ, it shall be lawful for the court, if in session, or for any judge thereof in vacation, on the application of any creditor as aforesaid, to order the same to be sold by the sheriff, and the monies arising from such sale shall be received by the sheriff, and paid over by him to the trustees, to be appointed as hereinafter mentioned.

SECTION 9. It shall be lawful for any creditor as aforesaid, to sue out from the said court, and with the original writ, or afterwards, other writs of attachments, into any other county in which such debtor may have goods or chattels, lands or tenements.

SECTION 10. Whenever any testatum writ of attachment shall be issued as aforesaid, the garnishee in whose hands any goods or effects shall be attached as aforesaid, shall be summoned to appear before the court of Common Pleas the county in which he shall reside, or, if a clause of *capias* against him shall be inserted in such writ, the proceedings thereon in respect to arrest and bail, shall be the same as if the writ had issued from the court of Common Pleas of such county.

SECTION 11. It shall be the duty of the sheriff to whom any testatum writ of attachment shall be directed as aforesaid, to execute the same in like manner as if the writ had issued from the court of Common Pleas of his own county,

and he shall cause the same to be entered upon the docket of the prothonotary of such court, in the manner provided in the case of testatum executions, together with a description of any real estate which he may attain by virtue thereof; and it shall be his duty to make one return, with the said writ, to the court from which it shall have issued, and a duplicate of such return to the court of Common Pleas of his own county.

SECTION 12. The court of Common Pleas of the county into which any testatum writ of attachment shall be sent as aforesaid, shall have power to make all such interlocutory orders respecting the garnishee, and for the delivery, custody, and sale of any personal property attached within their county, as they might do in the case of an attachment issuing from such court, and it shall be lawful for such court to make all necessary orders and decrees for the purpose of compelling answers to interrogatories, by any person within their jurisdiction, and delivery of all property within their jurisdiction, to the trustees appointed in such attachment.

SECTION 13. On the return of the writ as aforesaid, the court shall appoint three honest and discreet men, not being creditors of the defendant, to be trustees of the estate of the defendant, who, before proceeding upon the duties of their appointment, shall make oath or affirmation, before some person authorized to administer oaths, well and truly to execute the trust reposed in them, according to the best of their skill and understanding, which oath or affirmation, certified by the person before whom it was taken, shall be filed in the office of the prothonotary of the said court.

SECTION 14. If any trustee as aforesaid, shall decline to undertake the said office, or shall resign the same, or die, or become incapable to execute the same, the court shall appoint another suitable person to supply the vacancy.

SECTION 15. It shall be lawful for the court, at the time of the appointment of the said trustees, or at any time afterwards, to require the said trustees, to give security, in such form and amount as the court shall direct, for the due execution of the trust.

SECTION 16. It shall be the duty of the officer who shall have taken possession of any money or other personal property of the defendant, by virtue of the writ of attachment, to deliver the same to the trustees, upon demand made by them, and upon their producing a certificate from the prothonotary, that they have been duly qualified, and given security, if so required by the court.

SECTION 17. A majority of the trustees as aforesaid, shall be competent to exercise all the powers herein conferred upon them, and to perform all the duties herein required of them.

SECTION 18. It shall be the duty of the said trustees, immediately after their appointment, to give notice thereof in one newspaper, printed in the county in which the attachment issued, during at least six successive weeks, together with their names and respective places of residence, and in such other newspapers, or in such other manner, as the court at the time of their appointment, or afterwards, shall order and direct, and the said trustees shall, in such notice, require all persons indebted to the defendant, or holding property belonging to him, to pay and deliver all such sums of money and property due and belonging to such defendant, to the said trustees, and also, desire all creditors of the defendant to present their respective accounts or demands.

SECTION 19. The trustees aforesaid, shall be deemed to be vested with all the estate of the debtor, at the time of issuing the said attachment, subject to all liens existing at that time, and it shall be their duty to take into their possession all the said estate, whether attached as aforesaid, or afterwards discovered by them, and all books, vouchers, and papers relating to the same, and they shall be capable of suing for and recovering, in their own names, all the said estate, and all debts and things in action, due, or belonging to such debtor at the date of the attachment, or at any time thereafter.

SECTION 20. *Provided,* (1st.) That no purchase or assignment of the real estate of such debtor, made bona fide, and for a valuable consideration, before the attachment executed thereon and returned, and entered upon the docket as aforesaid, by or to any person having no notice or knowledge of such attachment, shall be invalidated or impeached thereby; and, (2d.) that no purchase or assignment of the personal property of such debtor, made bona fide, and for a valuable consideration, by or to any person having no notice or knowledge of the attachment, shall be invalidated or impeached thereby; and (3d.) that if any person indebted to the defendant in the attachment, or having possession of any of his property, shall bona fide pay the said debt, or deliver the said property to the said defendant, without notice or knowledge of the attachment, he shall not be liable to pay or deliver the same to the trustees; and (4th.) that the wife and family, (if any,) of such debtor, shall be entitled to retain for their own use, such articles as may by law be exempted from levy and sale upon execution.

SECTION 21. The trustees aforesaid, may summon before them, and examine, upon oath or affirmation, which they are hereby authorized to administer, and by interrogatories, or otherwise, all persons, residing within the county, supposed to be indebted to the defendant, and such other persons, residing as aforesaid, as they shall think fit, touching the real or personal estate of the defendant, and such other things as

may tend to disclose their estates, or their secret grants, or alienation of their effects.

SECTION 22. If any person summoned to attend before the trustees as aforesaid, shall refuse to attend, or shall refuse to be sworn or affirmed, or to make answers to such questions or interrogatories as shall be administered to him, by or on behalf of the said trustees, it shall be lawful for the said trustees to commit such person to the prison of the county, there to be detained until he shall submit to be examined as aforesaid.

SECTION 23. *Provided*, That any person arrested or detained by virtue of any such warrant, may be enlarged upon bail given, with condition that he shall appear at the next court of Common Pleas, to be holden for such county, then and there to answer all such interrogatories as shall be exhibited to him, under the direction of such court, and abide all orders which shall be made by such court on behalf of the said trustees.

SECTION 24. The like proceedings also, may be had in case any person having books, papers, vouchers or effects belonging to the defendant in the attachment, and discovered by the trustees, subsequent to the attachment executed as aforesaid, shall refuse to deliver the same to the said trustees, upon being legally required thereto.

SECTION 25. If any garnishee, or other person, having possession of the effects of the defendant in the attachment, or having knowledge of the same, or being indebted to the defendant, shall reside in another county, it shall be lawful for the trustees, to exhibit interrogatories, in writing, to such person in the manner authorized by law in the case of foreign attachment, and thereupon, the court of Common Pleas of the county in which such person shall reside, shall have power to compel such person to answer thereto, in like manner as in the case of a foreign attachment issued out of such court.

SECTION 26. It shall be lawful for the said trustees, by warrants, under their hands and seals, to cause to be broken open, in the day time, houses, chambers, shops, stores, or ware-houses of the defendant, or any doors therein, and any trunks or chests of the defendant, in which his goods or effects, books of account, or papers relating to his estate shall be, or shall be reputed to be, and to seize the same for the benefit of his creditors.

SECTION 27. If the defendant in the attachment as aforesaid, shall, prior to the issuing thereof, have conveyed or transferred any part of his real or personal estate to his wife and children, or either of them, or to any person in trust for them, or either of them, or shall have conveyed or transferred the same to any other person, with intent to defraud his creditors, the trustees aforesaid, shall have power to recover

and dispose of the same, as fully and effectually, as if the said defendant had been actually seized or possessed thereof at the time of the attachment.

SECTION 28. If the defendant in the said attachment, shall have conveyed or transferred any of his real or personal estate unto any person, upon condition or power of redemption, by payment of money, or otherwise, it shall be lawful for the trustees to make tender of money, or other performance, according to the nature of such condition, as fully as the said defendant might have done, and after such performance or tender, the said trustees shall have power to sell, or otherwise dispose of the said real or personal estate, for the benefit of the creditors, in the manner herein provided.

SECTION 29. It shall be lawful for the said trustees, at any time after the term next succeeding that to which the writ was returnable, to make public sale and assurance of all the goods and chattels of the defendant, and of his real estate, at any term after the third term succeeding that to which the original writ was returnable; and to grant and assign, or otherwise to order and dispose of, for the benefit of the creditors, all or any of the debts due or to become due to the defendant, and every such sale, grant, assurance or other disposition, shall be good and valid in law against the said defendant and his legal representatives, and shall vest all the right, title and interest of the defendant in the purchaser, grantee, or person to whom the same shall have been disposed of, so that such purchaser, grantee, or other person, may sue for and recover any such property or debts, in his own name, and to his own use; and after such grant, assignment, or other disposition of such debts, neither the said defendant, nor any other to whom such debts shall be due, shall have power to recover, release, or discharge the same.

SECTION 30. *Provided*, That before making sale of any of the real or personal estate of the defendant as aforesaid, it shall be the duty of the trustees to give at least ten days notice thereof, in the manner practised in the case of sales by sheriffs, upon executions: *And provided also*, That the said trustees may, at any time after their appointment, make sale of any perishable goods, upon leave of the court, or of a judge, granted in the manner hereinbefore provided.

SECTION 31. At some time after the expiration of six months from the first public notice given, as herein before provided, the trustees, having previously given public notice of the time and place fixed by them for the purpose, shall proceed to receive the proofs of the several creditors, and shall determine upon the same, and having stated their accounts, and ascertained the proportionate sum payable to each creditor, shall file their report of the same, in the office

of the prothonotary of the court out of which the attachment was issued.

SECTION 32. It shall be the duty of such prothonotary to give public notice of the filing of such report, by advertisement, in the manner directed by law in the case of the accounts of assignees under a voluntary assignment, and at the next stated term of the court, after the filing of the report, if exceptions shall not be presented at such time as may be directed by the rules of such court, the reports may be confirmed by the courts, and the trustees shall thereupon make distribution accordingly.

SECTION 33. If the whole of the estate shall not have been distributed upon such report, the said trustees shall, at the expiration of three months after the order of the court upon such report, proceed to make a second dividend of all such monies as shall have come into their hands after the first dividend, and make report in like manner, and the same proceedings shall be had upon such report as are herein before provided, and so from time to time, until a distribution shall have been made of all the estate of such debtor.

SECTION 34. *Provided*, That in the distribution among the creditors of a defendant as aforesaid, no preference shall be allowed to debts due on specialties.

SECTION 35. If any person shall have, bona fide, given credit to such debtor, or taken securities from him, payable at future days, which shall not have expired or fallen due at the time of the issuing of the attachment, such creditor shall be admitted to prove his debt or contract, as if it were payable presently, and shall have a dividend, in proportion to the other creditors, discounting, where no interest is payable, at the rate of lawful interest.

SECTION 36. In all cases in which mutual credit has been given by such debtor and any other person, or mutual debts have existed between them, at any time before the issuing of the attachment, the trustees shall state the account between them, and one debt may be set off against the other, and what shall appear to be due on either side, on the balance of such account, after such set off, and no more, shall be claimed or paid on either side, as the case may be.

SECTION 37. After payment of all just demands as aforesaid, and of the costs and charges of the attachment as aforesaid, the overplus, if any, shall be returned to the defendant, his executors, administrators, or assigns.

SECTION 38. When the trustees shall have completed the distribution of the debtors estate among the creditors, as aforesaid, they shall cause an account of the same to be stated, and filed in the office of the prothonotary of the court in which the appointment took place.

SECTION 39. It shall be lawful for the court issuing any writ of attachment as aforesaid, at any time before the final decree for distribution, on the application of the defendant, supported by his oath or affirmation, denying the allegations upon which the attachment was founded, to grant a rule upon the creditors suing or prosecuting the writ, to show cause why the attachment should not be dissolved, and the court may at the same time, make an order, staying all further proceedings by the trustees, and upon the hearing of such rule, if the court shall be satisfied that the defendant was not liable to the attachment, they shall dissolve the same, either absolutely, or upon such terms as shall be equitable and just: *Provided*, That no order of the court, dissolving an attachment as aforesaid, shall have the effect of invalidating any sale of the estate of the defendant, made by such trustees, in conformity with law, or any payment to such trustees, made as aforesaid.

SECTION 40. It shall be lawful for the court by whom the attachments as aforesaid may be dissolved, to make such an order for the payment of the costs, either by the creditors suing or prosecuting such writ, or by the defendant therein, as shall be equitable and just, under all the circumstances of the case.

SECTION 41. No second or other attachment, excepting such as shall be issued into another county, as hereinbefore provided, shall be issued against, or served upon the estate or effects of the same defendant, unless the first attachment be not executed, or be dissolved by the court.

SECTION 42. The death of the defendant after the issuing of the attachment, shall not abate, or otherwise affect the proceeding thereon, but the same shall be continued and concluded, in like manner as if such defendant had lived: *Provided*, That notice of the pendency of the attachment be given to the executors, administrators or heirs of such defendant.

SECTION 43. Any person aggrieved by any definite decree of any court of Common Pleas, in any case of domestic attachment, as aforesaid, may appeal from the same to the Supreme Court, in the proper district: *Provided*, Such appeal be entered within one year after such decree: *And provided also*, That in all cases, the party appealing shall first give security, in such sum as the said court of Common Pleas shall direct, conditioned to prosecute such appeal with effect, and shall also make oath or affirmation, that such appeal is not intended for delay.

SECTION 44. That all laws hereby altered or supplied, so far as are inconsistent with this act, are hereby repealed:

this act shall take effect on the first day of September next.

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The thirteenth day of June, Anno Domini,
one thousand eight hundred and thirty-six.

JOS : RITNER.



No. 173.

An Act

Relating to the attachment of Vessels.

TABLE OF CONTENTS.

SECTION 1. Ships and vessels liable to a lien for debts contracted within this commonwealth, for materials and work in the building of the same.

2. The lien shall continue till the ship shall next proceed to sea.

3. Any of the said tradesmen or mechanics, may file a libel in the office of the prothonotary of the court of Common Pleas, or of the District court.

4. All of the said mechanics and tradesmen may join in one libel.

5. Any of the said mechanics, &c. may, pending a libel, become a party libellant therein.

6. If several suits be brought, they may be consolidated.

7. An attachment may be issued upon the libel; form of the writ.

8. But no such writ shall be issued against a vessel under seizure by process of the courts of the United States.

9. The officer upon executing the attachment, shall give notice; what that notice shall contain.

10. The ship may be discharged from the attachment, if the owner shall give bond with condition, &c..

10. Such proceedings upon the return of the writ may be had, as are usual in courts of admiralty.

12. Questions of fact in issue, shall be tried by a jury, unless the parties shall agree to refer, &c:

13. The court may pronounce the same decrees, and enforce them by the like process, as courts of admiralty.

14. After three months from the first publication of notice of the attachment, the court may decree a sale, &c. and award a writ of sale; forin of the writ.

15. If the proceeds of sale be insufficient to satisfy all the liens, they shall be distributed pro rata.

An act relating to the attachment of Vessels.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That ships and vessels of all kinds, built, repaired, or fitted within this commonwealth, shall be subject to a lien for all debts contracted by the masters or owners thereof, for work done, or materials found or provided in the building, repairing, fitting, furnishing, or equipping of the same, in preference to any other debt due from the owners thereof.

SECTION 2. The lien aforesaid, shall continue during the time that shall intervene between the contracting of such debts, and the time when such ship or vessel shall proceed on her voyage, next after the work done, or the materials furnished, as aforesaid, and no longer.

SECTION 3. The lien for work done and materials furnished as aforesaid, shall exist in favor of the following classes of tradesmen and mechanics, and no others, to wit: carpenters, blacksmiths, mastmakers, boatbuilders, block-makers, ropemakers, sailmakers, riggers, joiners, carvers, plumbers, painters, shipchandlers, coppersmiths, brassfounders, coopers, venders of sail-cloth, and lumber merchants.

SECTION 3. Any of the said persons, having done work or provided materials, may file a libel in the office of the prothonotary of the District court, or court of Common Pleas, of the proper county, wherein the cause of action shall arise, or in any county where the said ship may be found, against such ship or vessel, her tackle, furniture and apparel.

SECTION 4. All, or any of the said persons, may join in one libel for the recovery of all their claims, in the same

said court, the lien shall continue until the payment thereof shall be enforced, by the process of such court.

SECTION 9. Immediately after the execution of any writ of attachment as aforesaid, the officer executing the same, shall cause notice thereof to be given, in one newspaper published within the city or county, once a week during six successive weeks, and every such notice shall contain:—

First—the name of the ship or vessel attached, the name of the port or place to which she belongs, and the name of her last commander.

Second—that such ship or vessel will be sold for the payment of debts contracted, for work done, or for materials provided in the building, repairing, fitting, furnishing or equipping of the same, (as the case may be) unless the owner, consignee, commander, or some person in their behalf, shall appear and pay the same, or otherwise obtain the discharge of such ship or vessel, within three months from the first publication of such notice.

Third—In every such notice, he shall require all persons having a lien for any debts contracted as aforesaid, to file the same, within three months from the first publication of such notice, or be debarred from prosecuting their claims, under such writ of attachment.

SECTION 10. If the owner or master of any ship or vessel attached as aforesaid, or his or their agent, shall enter into a bond to the commonwealth, with sufficient sureties, to be approved of by the court from which the process issued, or by a judge thereof, with condition, to answer all the demands aforesaid, which shall be at that time filed against the same, and fully to satisfy and pay all such of them as shall be proved and recovered, such ship or vessel shall be forthwith discharged from the attachment, as aforesaid, and be permitted to proceed on her voyage.

SECTION 11. Upon the return of any such writ, such further proceedings may be had for the recovery of the debts aforesaid, as are usually had in courts of admiralty, and for the recovering of mariners' wages, and other debts actually contracted upon the high seas.

SECTION 12. All questions of fact which shall arise under this act, shall be tried by a jury of the county, forthwith, upon the joining of an issue therein by the parties, unless they shall agree by writing filed, to refer the same to arbitrators, by rule of court.

SECTION 13. The said court shall have power to pronounce the same interlocutory, and final sentence or decree upon such libel, and upon the petition of any other person concerned, and enforce the same, by the like writ, or other compulsory process, as a court of admiralty might in like cases.

SECTION 14. At any time after three months elapsed from the first publication of the notice of the attachment, as aforesaid, the court may proceed to make an order and decree for the sale of such ship or vessel, or of the tackle, apparel and furniture thereof, if the amount necessary to be raised can be satisfied by the sale of the same, without selling the vessel, and thereupon, the court shall award, upon motion, a writ of sale to be made, according to the following form, to wit:

County, ss.

[L. S.]

The commonwealth of Pennsylvania,

To the sheriff of said county, greeting,

Whereas, lately, by our writ of attachment, we commanded you, &c. (reciting the writ and the return,) and afterwards such proceedings were had in our said court, that the said A. B. (C. D. &c.) obtained the judgment and decree of the said court to recover the sums respectively due to them, to be levied by the sale of the said vessel, amounting in the whole to the sum of _____, we, therefore, command you that you expose the said schooner _____, her tackle, apparel and furniture, (if the order be to sell the tackle, &c. without the vessel, say "her tackle, apparel and furniture,") to sale, by public vendue or outcry, and the money arising from the sale of the said vessel, (or as the case may be, tackle, apparel and furniture,) you have before our said judges, at _____, the _____ day of _____, next; Witness, &c.

SECTION 16. If the proceeds of any ship or vessel sold as aforesaid, shall not be sufficient to satisfy all the liens against such vessel, as aforesaid, the same shall be distributed pro rata, among all the creditors aforesaid, whose claims shall have been filed in the office of the prothonotary of the court, previously to the decree of sale, as aforesaid.

NER MIDDLESWARTH,

Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,

Speaker of the Senate.

APPROVED—The thirteenth day of June, Anno Domini, one thousand eight hundred and thirty-six.

JOS : RITNER.

No. 174.

An Act

Relating to writs Quo Warranto and Mandamus.

TABLE OF CONTENTS.**I. WRITS OF QUO WARRANTO.**

SECTION 1. Writs quo warranto may be issued by the Supreme Court.

2. Writs quo warranto may be also issued by the court of Common Pleas in certain cases, concurrently with the Supreme Court, upon a suggestion.

3. The Attorney General required to proceed in certain cases.

4. The form of the writ.

5. The writ may be sued in term time, or in vacation, with the leave of the court, or of the president judge, and be made returnable within the term, at the discretion of the court or judge granting it.

6. How such writs shall be served.

7. The suggestion to set forth the facts fully, to be verified by affidavit, and to be filed of record, &c.

8. The court or judge granting the writ, may make an order for the joinder of several persons in the same writ, in certain cases.

9. The defendant shall answer or plead, &c. to the suggestion, and the plaintiff reply, &c.; the court to make all necessary orders to expedite the proceedings.

10. The Supreme Court may direct the trial of issues in fact, joined therein in the court of Common Pleas of the county where the matters complained of took place, &c. and the verdict shall be certified, &c.

11. Judgment in a quo warranto against the defendant; the form of it; costs allowed in such cases.

12. Judgment in favour of the defendant in such writ; costs in such cases.

13. Execution of such judgment against the defendant to be by injunction.

14. Proceedings to remove the injunction in cases of judgment by default.

15. Writ of error may be brought, but the court rendering the judgment may notwithstanding, award execution.

16. Writs of error in such cases shall be returnable forthwith, and heard at the first term.

17. Nothing in this act to debar a prosecution for the breach of any act of assembly.

II. WRITS OF MANDAMUS.

18. The courts of Common Pleas, concurrently with the Supreme Court, to issue writs of mandamus, in certain cases.

19. How such jurisdiction shall be exercised.

20. The person bound to make return, shall make his return to the first writ.

21. The return may be traversed or demurred to, &c. and other proceedings had thereon, as in action for a false return.

22. The court to allow convenient time to make return, plead, &c.

23. If judgment be given for the person suing the writ, a peremptory mandamus to issue.

24. Damages and costs may be recovered by the person suing the writ, in certain cases.

25. The Supreme Court may send issues in fact, to be tried in the Common Pleas of the proper county, &c.

26. The Supreme Court may also award a writ of inquiry of damages, directed to the sheriff of the proper county, in certain cases.

27. Damages so recovered, shall debar an action for making such return.

28. The party obtaining a peremptory writ of madamus, entitled to costs, though he should not proceed for damages.

29. Costs if judgment given for the person making the return.

30. Costs in certain cases, may be allowed or refused at discretion of the court.

31. Damages and costs may be levied by execution, as in other cases.

32. A writ of error may be brought, which shall operate as a supersedeas to execution, for damages, &c. as in other cases, but the court may notwithstanding, award a peremptory mandamus.

33. Such writs returnable forthwith, &c. and shall be decided at the first term.

An act relating to writs of quo warranto and mandamus.

I. OF WRITS OF QUO WARRANTO.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in*

General Assembly met, and it is hereby enacted by the authority of the same, That writs of quo warranto may be issued by the Supreme court, in the form and manner hereinafter provided, in all cases in which the writ of quo warranto, at common law, may have been issued, and in which the said court has heretofore possessed the power of granting information, in nature of such writ.

SECTION 2. Writs of quo warranto in the form and manner hereinafter provided, may also be issued by the several courts of Common Pleas, concurrently with the Supreme court, in the following cases, to wit :

I. In case any person shall usurp, intrude into, or unlawfully hold or exercise any county or township within the respective county.

II. In case any person, duly elected or appointed to any such office, shall have done, suffered, or omitted to do, any act, matter or thing, whereby a forfeiture of his office shall by law be created.

III. In case any question shall arise concerning the exercise of any office, in any corporation, created by authority of law, and having the chief place of business within the respective county.

And in any such case, the writ aforesaid may be issued, upon the suggestion of the Attorney General, or his deputy, in the respective county, or of any person or persons desiring to prosecute the same.

IV. In case any association, or number of persons, shall act as a corporation, or shall exercise any of the franchises or privileges of a corporation, within the respective county, without lawful authority.

V. In case any corporation as aforesaid, shall forfeit by misuser, or non-user, its corporate rights, privileges or franchises, or shall do, suffer, or omit to do, any act, matter or thing, whereby a forfeiture thereof shall by law be created, or shall exercise any power, privilege or franchise not granted or appertaining to such corporation.

And in any such case, the writ aforesaid may be issued upon the suggestion of the Attorney General, or his deputy, in the respective county, or of any person or persons desiring to prosecute the same.

SECTION 3. Whenever the Attorney General shall have reason to believe that any association as aforesaid, have acted as a corporation, or exercised any of the franchises or privileges thereof, without lawful authority, or that any corporation has forfeited its corporate rights, privileges, or franchises, as aforesaid, or exercised any power, privilege, or franchise, not granted or appertaining to such corporation, it shall be his duty to file, or cause to be filed, a suggestion as aforesaid, and to proceed thereon for the determination of the matter.

SECTION 4. Writs of quo warranto shall be in the following form, to wit:

County, ss. The Commonwealth of
 Pennsylvania, To the sheriff of said county, Greeting:
 We command you that you summon , so that
 be and appear before our court to be holden
 at , in and for the , on the day of
 next, and then and there to show by what authority
 claim to exercise the office of , in the county
 of , or to show by what authority he or they exercise
 within the said county, (or county of,) the liberties and
 franchises following, to wit: (setting them forth , or
 otherwise, as the case may be,) and have you then there this
 writ; Witness, &c.

SECTION 5. The writ aforesaid, may be issued out of the Supreme court, with the leave of the said court in term time, or of any judge of the said court in vacation, and out of the respective court of Common Pleas, with the leave of the said court in term time, or of the president judge thereof in vacation, and such writ may be made returnable at any time within term, at the discretion of the court or judge granting the same.

SECTION 6. The writ aforesaid, shall be served at least ten days before the return day, in the same manner as a writ of summons in a personal action, and if the party against whom such writ shall be issued shall not appear, judgment by default may be taken, without further process, in the manner allowed in a personal action.

SECTION 7. Every suggestion as aforesaid, shall set forth the facts as fully as has heretofore been required, in information aforesaid; it shall be verified by affidavit, and filed of record in the cause, and in every case, the name of the person at whose instance the writ shall issue, shall be endorsed thereon.

SECTION 8. If it shall appear to the court or judge as aforesaid, that the several rights of different persons may be properly determined by one writ, it shall be lawful for such court or such judge, to make such order or orders, for the introduction or addition of such persons into the writ, or for notice to such persons to appear and take defence, as shall be reasonable and just.

SECTION 9. The defendant in such writ, shall answer, plead or demur to the suggestion filed, as aforesaid; he may traverse all or any of the material facts contained therein, as in other cases, and the person or persons at whose instance such writ shall have been issued, shall reply, take issue or demur, and thereupon issue shall be joined in due course, as in other cases; and the court shall make such orders from time to time, in respect to such pleadings, as shall expedite

the decision of the cause, consistently with reasonable convenience to the parties.

SECTION 10. Whenever any issue of fact shall be joined upon any writ of quo warranto as aforesaid, issued by the Supreme court in any district, it shall be lawful for the said court, by an order to be made in the cause, to direct such issue to be tried in the court of Common Pleas of the county in which the matters complained of took place, or upon cause shown, in any other county of such district; and thereupon, a copy of the proceedings in such cause shall be certified to the said court of Common Pleas, and such issue shall be determined in like manner as issues of fact in causes originating in such court, and when judgment shall be rendered upon such issue in the said court of Common Pleas, the same shall be certified to the Supreme court, who shall proceed thereupon, to the final adjudication of the cause.

SECTION 11. If the defendant in any quo warranto as aforesaid, whether a natural person, or persons, or a corporation, be found or adjudged guilty of usurping or intruding into, or unlawfully holding or exercising the office, franchise, privilege or power mentioned in such writ, the court shall give judgment that such defendant be ousted, and altogether excluded from such office, franchise, privilege or power, and that the commonwealth, or party, suing the writ, as the case may be, recover costs from the defendant.

SECTION 12. If judgment be given for the defendant in any such writ, and the proceedings have been instituted on the relation of any private prosecutor, the court shall also give judgment, that the defendant recover his costs of such writ, to be levied by execution, as in cases of debt, if the proceedings have been instituted by the Attorney General, at his own instance, it shall be lawful for the court, in their discretion, on giving judgment for the defendant, to order that the costs be paid by the county in which the matters complained of were alleged to have taken place.

SECTION 13. If judgment of ouster and exclusion, as aforesaid, be given against any defendant, execution thereof shall be had by a writ of injunction, which shall be awarded by the court against such defendant, whether a natural person or persons, or a corporation; such injunction shall recite the judgment of the court, and shall enjoin the defendant, or defendants, from exercising the office, franchise privilege or power mentioned therein, and obedience thereto may be compelled by attachment and sequestration, in like manner as in other cases of injunction.

SECTION 14. If such injunction shall have been issued on a judgment rendered by default, as aforesaid, the defendant therein may, nevertheless, upon the payment of

costs, and reasonable notice to the adverse party, and such other terms as the court shall deem equitable, plead to the suggestion as aforesaid, and thereupon, the parties shall proceed to issue and trial, in like manner as if the defendant had appeared at the return of the writ, and had pleaded in due course; and if judgment shall be rendered in favor of such defendant, the judgment by default shall be taken off, and the injunction aforesaid, shall thenceforth be dissolved.

SECTION 15. It shall be lawful for any person aggrieved by the judgment of any court of Common Pleas, upon any writ of quo warranto as aforesaid, to remove the same, by writ of error, into the Supreme court for the proper district, but it shall be lawful for the court to which such writ of error shall be directed, to award execution as aforesaid, notwithstanding such writ of error, if, in the discretion of the court, the case shall appear to require it.

SECTION 16. Every such writ of error may be made returnable forthwith, if the Supreme court shall be in session in the proper district, and shall be heard and decided by the judges thereof, at the term to which it is returnable.

SECTION 17. *Provided*, That nothing herein contained, shall debar any prosecution, for breach of any act of assembly in relation to corporations, corporate or other officers, or persons acting as corporations without lawful authority.

II. OF WRIT OF MANDAMUS.

SECTION 18. The several courts of Common Pleas, the president judge being present, shall, within their respective counties, have the like power with the Supreme court, to issue writs of mandamus to all officers and magistrates, elected or appointed, in or for the respective county, or in or for any township, district, or place within such county, and to all corporations, being or having their chief place of business within such county.

SECTION 19. The jurisdiction aforesaid, shall be exercised in the manner, and according to the rules, hitherto observed and practised in the Supreme court of this commonwealth, except so far as the same shall be altered by this act.

SECTION 20. Whenever any writ of mandamus shall issue out of the Supreme court, or out of any court of Common Pleas, the person or persons who, by the laws of this commonwealth, ought to make a return to such, shall make his or their return to the first writ of mandamus so issued.

SECTION 21. It shall be lawful for the person suing or prosecuting any such writ, to demur, or to plead to, or traverse all or any of the material facts contained in such return, and the person or persons making such return, shall reply, take issue, or demur, and such other and further proceeding may be had thereon, except as hereinafter pro-

vided, as might be had if the person suing such writ had brought his action for a false return.

SECTION 22. The said courts shall allow the persons suing or defending any such writ respectively, such convenient time to make return, plead, reply, rejoin, or demur, as shall be just and reasonable.

SECTION 23. If judgment shall be given for the party suing the writ, a peremptory writ of mandamus shall be granted, without delay, in like manner as if the return had been alledged insufficient.

SECTION 24. In the case of a writ of mandamus, issued by any court of Common Pleas as aforesaid, if a verdict shall be found for the person suing such writ, and judgment be rendered thereon, or if a judgment shall be given for him upon a demurrer, or by nihil dicit, or for want of a replication, or of any other pleading, he shall recover his damages and costs, in the same manner as he might have done in an action for a false return, as aforesaid.

SECTION 25. Whenever any issue of fact shall be joined upon the return of any writ of mandamus as aforesaid, issued out of the Supreme Court in any district, it shall be lawful for the said court, by an order to be made in the cause, to direct such issue to be tried in the court of Common Pleas of the proper county; and if the case shall require it, to direct that the damages, if any, be assessed on such trial, and the proceedings for such purpose, shall be the same as are herein before provided in the case of an issue of fact joined in the Supreme court, upon a writ of quo warranto.

SECTION 26. Whenever judgment shall be given in the Supreme court in any district, upon a demurrer, or by nihil dicit, or for want of a replication or other pleading, as aforesaid, the said court may award a writ of inquiry of damages, to be executed by the sheriff of the proper county, returnable to the said court, and upon the return of such writ, may give judgment for the damages and costs.

SECTION 27. If damages shall be recovered against any person making return as aforesaid, such recovery shall debar every other action for making such return.

SECTION 28. Whenever a peremptory mandamus shall be awarded, the person suing out the writ shall be entitled to costs, as in other actions, although he should not proceed for the recovery of damages.

SECTION 29. In case judgment shall be given for the person making such return of such writ, he shall recover his costs of suit.

SECTION 30. The costs of the application for a writ of mandamus, whether such writ shall be granted or not, also the costs of the writ if issued and obeyed, or not prosecuted to judgment, as aforesaid, may be given or refused, according to the discretion of the court.

SECTION 31. The damages and costs which shall be recovered as aforesaid, may be levied by execution, in the like manner as damages and costs recovered in other cases, may be levied.

SECTION 32. The party aggrieved by the proceeding had in any court of Common Pleas, upon any writ of mandamus, may remove the same after the first judgment, order or decree therein, by a writ of error, into the Supreme court, as in other cases, and such writ shall operate as a supersedeas to an execution, for damages or costs, upon bail, to be given as in other cases; but it shall be lawful for the court to which such writ shall be directed, notwithstanding such writ of error, to award a peremptory writ of mandamus as aforesaid, if the case shall, in their discretion, require it.

SECTION 33. Every such writ of error may be made returnable forthwith, if the Supreme court shall be in session in the proper district, and shall be heard and decided by the judges thereof, at the term to which it is returnable.

SECTION 34. This act shall take effect from and after the first day of September next.

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The fourteenth day of June, Anno Domini, eighteen hundred and thirty-six.

JOS: RITNER.

—•••—
No. 175

An Act

Relating to assignees for the benefit of creditors, and other trustees.

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An act relating to assignees for the benefit of creditors, and other trustees.

I. OF ASSIGNEES FOR THE BENEFIT OF CREDITORS, AND TRUSTEES OF INSOLVENT DEBTORS, AND TRUSTEES APPOINTED UNDER THE ACTS RELATING TO DOMESTIC ATTACHMENTS.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That in every case in which any person shall make a voluntary assignment of his estate, real or personal, or of any part thereof, to any other person or persons, in trust for his creditors, or some of them, it shall be the duty of the assignee or assignees, within thirty days after the execution thereof, to file in the office of the prothonotary of the court of Common Pleas of the county in which the assignor shall reside, an inventory or schedule of the estate or effects so assigned, accompanied with an affidavit by such assignees, that the same is a full and complete inventory of all such estate and effects, so far as the same has come to their knowledge.

SECTION 2. It shall be lawful for the court of Common Pleas of such county, or for any judge thereof, in vacation, to appoint two or more disinterested and competent persons, to appraise the estate and effects so assigned.

SECTION 3. The appraisers so appointed, or any two of them, having first taken an oath or affirmation, before some person having authority to administer oaths, to discharge their duties with fidelity, shall forthwith proceed to make an appraisement of the estates and effects assigned, accord-

ing to the best of their judgment, and having completed the same, shall return the inventory and appraisement to the court, where it shall be filed of record.

SECTION 4. The appraisers aforesaid, shall receive the same compensation as is now allowed by law to appraisers of the estate of a decedent.

SECTION 5. The assignee or assignees as aforesaid, shall, as soon as such inventory and appraisement shall have been filed, give a bond or bonds, with at least two sufficient sureties, to be approved of by one of the judges of the said court, in double the amount of the appraised value of the estate so assigned.

SECTION 6. The bond so to be given, shall be taken in the name of the Commonwealth of Pennsylvania, and the condition thereof shall be as follows, viz:

The condition of this obligation is such, that if the above bounden A. B. and C. D. assignees of E. F., shall, in all all things, comply with the provisions of the acts of assembly in such case made, and shall faithfully execute the trust confided to them, then the above obligation to be void, otherwise to be and remain in full force and virtue.

And such bond shall be filed in the office of the prothonotary of the said court, and shall by him be entered of record, and shall enure to the use of all persons interested in the property assigned.

SECTION 7. It shall be lawful for the court of Common Pleas of the proper county, on the application of any person interested, or co-trustee or co-assignee, to issue a citation, to any assignee or trustee for the benefit of creditors, whether appointed by any voluntary assignment, or in pursuance of the laws relating to insolvent debtors and domestic attachments, requiring such assignee or trustee to appear and exhibit, under oath or affirmation, the accounts of the trust in the said court, within a certain time, to be named in such citation.

SECTION 8. *Provided*, That no such citation shall be issued, until after the expiration of one year from the date of the assignment to, or appointment of such assignees or trustees.

SECTION 9. The several courts of Common Pleas shall, by a general order, or by such order as the circumstances of any particular case may require, direct the prothonotary of the same court to give notice of the exhibition and filing of every account as aforesaid, during such time, and in such public newspapers as they shall appoint, setting forth in such notice, that the accounts will be allowed by the courts, at a certain time, to be stated in such notice, unless cause be shown why such account should not be allowed.

SECTION 10. The expense of advertising as aforesaid, shall be paid by the assignees or trustees, at the time of

exhibiting their accounts as aforesaid, and shall be passed to their credit in such account.

SECTION 11. Whenever it shall be made to appear in a court of Common Pleas, having jurisdiction as aforesaid, that an assignee or trustee as aforesaid, has neglected or refused, when required by law, to file a true and complete inventory, or to give bond with surety, when so required by law, or to file the accounts of his trust, or that such assignee or trustee is wasting, neglecting, or mismanaging the trust estate, or is in failing circumstances, or about to remove out of the jurisdiction of the court, in any such case, it shall be lawful for such court to issue a citation to such assignee or trustee, to appear before the court, at a time to be therein named, to show cause why he should not be dismissed from his trust.

SECTION 12. On the return of such citation, the court may require such security, or such other and further security, from such assignee or trustee, as they may think reasonable, or may proceed at once to dismiss such assignee or trustee from the trust.

SECTION 13. The like proceedings may be had, whenever it shall be made to appear to such court, that any person who shall have become surety for any assignee or trustee as aforesaid, in any bond, given for the due execution of the trust, is in failing circumstances, or has removed out of this commonwealth, or signified his intention so to do.

SECTION 14. An assignee or trustee as aforesaid, may, with the leave of the court having jurisdiction, as aforesaid, make a voluntary settlement of his accounts, so far as he may have executed the trust, and the same being filed in the office of the prothonotary of the court, the like proceedings shall be had thereon as in the case of a settlement of such accounts after citation.

II. OF TRUSTEES IN OTHER CASES.

SECTION 15. Whenever any assignment, conveyance, or transfer, (excepting assignments or transfers for the benefit of creditors, as hereinbefore mentioned,) shall have been made, or shall hereafter be made, by deed, will, or otherwise, of any estate, real or personal, to any person or corporation, in trust for, or for the use or benefit of any person, or association of persons, or corporation; also, whenever any trust shall arise by operation or implication of law, the court of Common Pleas of the county in which any such trustee shall have resided at the commencement of the trust, or, if such trustee be a corporation, in which such corporation is situate, or in which its principal officers shall have resided, as aforesaid, shall exercise the jurisdiction and powers given by law in regard to such trust: *Provided*, That nothing herein contained, shall extend to trusts created by will, and vested in executors or administrators, either by the words of the will,

or by the provisions or operations of law, whenever such executors or administrators are by the existing laws amenable to the Orphans court.

SECTION 16. It shall be lawful for the court of Common Pleas, having jurisdiction as aforesaid, or for any judge thereof, on the application of any person interested in the trust estate or fund, co-trustee or co-assignee, and upon affidavit that any trustee as aforesaid, is wasting, neglecting, or mismanaging such estate or fund, or is in failing circumstances, or about to remove out of the commonwealth, to issue a citation to such trustee to appear before the court, at a time to be therein named, to show cause why he should not be dismissed from his trust.

SECTION 17. On the return of such citation, and after due notice to all persons interested, the court may, in their discretion, either require security from such trustee for the due execution of the trust, or dismiss such trustee from the trust, or make such other order in the cause as may be agreeable to the rules of equity.

SECTION 18. In case of the infancy, or temporary absence of any trustee, it shall be lawful for the court having jurisdiction as aforesaid, to appoint a trustee during such infancy or absence, and the trustee so appointed, shall, during such period, have all the powers necessary for the due administration of the trust.

SECTION 19. It shall be lawful for any court of Common Pleas having jurisdiction as aforesaid, or for any judge thereof, on the application, by bill or petition, of any co-trustee or co-assignee, or any person or persons interested, in the trust estate or fund, setting forth the facts, to issue a citation to any trustee, or his legal representatives, requiring him, or them, to appear in the said court, at a certain time to be specified therein, to answer the said bill or petition, and exhibit an account of the management of the trust estate or funds, or to perform such other acts or things as may be required by, or shall be consistent with the duties of the trust.

III. GENERAL PROVISIONS, RELATING TO ALL ASSIGNEES AND OTHER TRUSTEES.

SECTION 20. When any assignee or trustee shall have been duly declared to be a lunatic or habitual drunkard, or shall have removed from the state, or ceased to have a known place of residence therein, during the period of a year or more, it shall be lawful for the court having jurisdiction, on due proof thereof, to dismiss such assignee or trustee.

SECTION 21. When any assignee or trustee shall be dismissed from the trust, it shall be lawful for the court to order and direct all books, papers, monies, and effects in the hands of such dismissed assignee or trustee, to be forth-

with delivered or transferred to such other person or persons, as the court may appoint to receive the same, upon security being given by such receiver, according to the order of the court.

SECTION 22. The court having jurisdiction as aforesaid, shall have power, upon the application by bill or petition of any assignee or trustee, setting forth such facts as in equity would entitle him to relief, to discharge him from the trust: *Provided*, That no such discharge shall take place, unless the accounts of such assignee or trustee shall have been duly settled or confirmed as aforesaid, so far as he shall have acted in the trust, nor unless notice of such application shall have been given to all parties interested, either personally, or by advertisement, in such public newspapers as may be directed by the court, nor until such assignee or trustee shall have surrendered the trust estate remaining in his hands, to some other assignee or trustee, or other person appointed by the court to receive the same, and shall have performed all such other matters as may be required in equity.

SECTION 23. The several courts having jurisdiction as aforesaid, shall have power to appoint assignees or trustees as aforesaid, in the following cases, viz:

- I. When any sole assignee or trustee shall renounce the trust, or refuse to act under, or fully to execute the same:
- II. When any such assignee or trustee shall die, or be dismissed by the court from the trust, or shall be discharged by the court therefrom:
- III. When one or more of several assignees or trustees shall renounce or refuse as aforesaid, or shall die, or be dismissed or discharged as aforesaid, and the duties of the trust require the joint act of the trustees:
- IV. In any case in which a trust shall have been created, and no person appointed, either by name or by description, to execute the same.

SECTION 24. The power of appointment as aforesaid, may be exercised on the application by bill or petition, of any person interested in the estate or property which is the subject of the trust, and not otherwise, and after due notice to all parties concerned.

SECTION 25. Every assignee and trustee appointed by the court as aforesaid, shall be liable to the same duties, shall have the same powers and authorities in relation to the trust, or to the further execution of the same, as the case may be, and shall be subject to the jurisdiction and control of the court, in the same manner, to all intents and purposes, as his predecessor or predecessors in the trust.

SECTION 26. Upon the appointment by the court of any assignee or trustee as aforesaid, and upon his giving security, if he shall be so required by the authority of law, all the trust

ate, and effects whatsoever, shall forthwith, and without act or deed, pass to and be vested in such succeeding assignee or trustee.

SECTION 27. When any assignee or trustee shall have been discharged by the court as aforesaid, from the further execution of the trust, it shall be lawful for the court to make order that the sureties of such assignee or trustee in any bond, which may have been given by him for the due execution of the trust, shall, upon compliance by such assignee or trustee, with all orders of the court in the premises, be discharged from liability for any acts of such assignee or trustee after the date of such order.

SECTION 28. It shall be lawful for the court having jurisdiction as aforesaid, to make such orders and decrees from time to time, for carrying into effect any trusts as aforesaid, either for distribution of monies in the hands of assignees, or trustees for the benefit of creditors, or for the payment or transfer of funds or effects in the hands of other trustees, or otherwise, as shall be according to law, or the terms or intent of the trust.

SECTION 29. It shall be lawful for any court having jurisdiction as aforesaid, whenever compensation shall not have been otherwise provided, to allow such compensation to assignees, and other trustees, out of the effects in their hands, for their services, as shall be reasonable and just.

SECTION 30. The several courts aforesaid, shall have power, on the application of the party interested, to compel the conveyance by trustees, of the legal estate, when the trust has been executed, or has expired.

SECTION 31. It shall be lawful for the court in which the accounts of any assignee or trustee as aforesaid, may be exhibited, to refer the same to an auditor or auditors, who shall be sworn or affirmed, well and truly to audit and adjust the same, and make a true report thereof, according to the direction.

SECTION 32. The several courts of Common Pleas, and all auditors appointed by them for the purpose of examining the accounts of assignees and trustees aforesaid, shall have power to examine such assignees and trustees, upon oath or affirmation, touching the execution of the trust, and the said courts shall have power to compel the production of any books, papers, or other documents necessary to a just decision of the question before them, or before auditors, as aforesaid.

SECTION 33. The several courts of Common Pleas shall have the same powers and authorities, and the manner of proceeding to obtain the appearance of persons amenable to their jurisdiction, in cases of trusts, and to compel obedience to their orders and decrees, and enforce execution thereof, shall be the same as are now by law vested in and provided for the several Orphans' courts of this commonwealth.

SECTION 34. It shall be lawful for any judge issuing a citation to any assignee or trustee, as herein before provided, if the circumstances of the case shall appear to him to require it, to order such citation to be returned to a special court, to be convened for the purpose, in the manner allowed by the laws relating to the Orphans' courts.

SECTION 35. When any assignee or trustee shall remove out of the county in which he resided at the time of his appointment, or of the commencement of the trust, as the case may be, or shall not possess real or personal estate in such county, sufficient to satisfy any order or decree of the court of Common Pleas of such county, it shall be lawful for such court to issue process to the county in which such assignee or trustee may be, or in which he may have any real or personal estate amenable to such process, and such process shall be executed by the sheriff or coroner, as the case may require, of the county in which such assignee or trustee may be, or may have real or personal estate, as aforesaid.

SECTION 36. Any person aggrieved by a definite decree or judgment of any court of Common Pleas, in any case relating to assignees or trustees as aforesaid, may appeal from the same to the Supreme court in the proper district: *Provided*, Such appeal be entered within one year after such decree or judgment, in cases relating to assignees or trustees for the benefit of creditors, as aforesaid, and within three years in other cases of trust: *And provided also*, That in all cases, the party appealing shall first give security, in such sum as the said court of Common Pleas shall direct, conditioned to prosecute such appeal with effect, and shall also make oath or affirmation, that such appeal is not intended for delay.

SECTION 37. Nothing in this act shall be so construed, as to impair or effect the powers and jurisdiction conferred by act of assembly on any District court of this commonwealth.

NER MIDDLESWARTH,

Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,

Speaker of the Senate.

APPROVED—The fourteenth day of June, Anno Domini, one thousand eight hundred and thirty-six.

JOS; RITNER.

No. 176.

An Act**Relating to Bonds, with Penalties and Official Bonds.****TABLE OF CONTENTS.**

SECTION 1. In actions upon bonds for a penal sum, for non-performance of a written agreement, the plaintiff shall sign all the breaches for which damage has accrued, up to the time of suit brought, and may take judgment for the penalty, and execution for the damages assessed.

2. Scire facias shall be issued in case of subsequent breaches; setting them forth.

3. Defendant may pay into court the damages and costs, and a stay of execution shall then be entered of record.

4. Defendant may pay upon execution, the damages and costs, and his body and estate shall then be discharged.

5. But the judgment for the penalty shall remain as a further security.

6. Bonds given to the commonwealth by public officers, executors, administrators, guardians, committees, assignees, receivers, trustees, &c. may be sued as follows:

I. The writ shall be issued in the name of the commonwealth, and the names of the persons suing shall be suggested, &c.:

II. Persons having several interests, may join in the writ, and declare separately, or join in the declaration, and in the replication, separately allege breaches:

III. Persons not originally party to the writ, may, by suggestion and leave of the court, become party thereto, at any time before judgment.

IV. The defendants may plead performance of the condition, as it respects the persons suing the writ, or any of them.

V. If several join in the writ, and separate issues be taken, they may have separate trials, or all the issues may be tried at the same time, by the same jury.

VI. The parties to each issue, shall be liable for the costs of the trial thereof.

VII. If judgment be given for defendants on all the issues, it shall not debar any other persons of any right of action therein, or the same plaintiffs of any subsequent cause of action.

VIII. Judgments against the defendants, shall be entered for the commonwealth, in the amount of the bond, and

for the person giving the writ, in the amount of the damages assessed, and the costs.

IX. Judgment entered for the commonwealth, shall not be a lien unless the commonwealth commenced the action.

X. Judgment for the person suing the writ shall be a lien.

XI. A scire facias may be issued on the judgment, entered for the commonwealth, in case of a breach subsequent thereto, the party suing the writ suggesting his interest in the judgment.

XII. Judgments for the plaintiff in such writ of scire facias, to have like effect as judgments in personal actions.

XIII. The sureties may pay into court the whole amount of the penalty and costs, and thereupon be discharged, but their discharge shall not affect the liability of their principal.

An act relative to Bonds, with Penalties and Official Bonds.

OF BONDS AND PENALTIES, TO SECURE THE PERFORMANCE OF AGREEMENT IN WRITING.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That in all actions which shall be brought in any court of record of this commonwealth, upon any bond, or for any penal sum, for the non-performance of any covenant or written agreement, the plaintiff shall assign in his declaration, replication, or otherwise, upon the record, all and singular, the breaches of such covenant or agreement, for which damages shall have accrued, at and before the time of the writ sued out, and thereupon, he shall have judgment for the amount of such bond or penalty, in due course of law, and execution thereof, for such damages as shall be assessed for the breaches of such covenant or agreement, assigned as aforesaid, with costs of suit, and no more.

SECTION 2. In case of any subsequent breach of such covenant or agreement, it shall be lawful for the plaintiff in such judgment, by a writ of scire facias thereon, setting forth such breaches, to assess against the defendant, his heirs, executors, administrators or assigns, such further damages

as he shall have sustained by reason of such subsequent breach, and thereupon, he shall have judgment and execution for such damages, with costs of suit, and for no more, and the plaintiff may proceed in like manner, as often as a breach shall occur subsequently to any such proceeding.

SECTION 3. If the defendant in any such judgment shall, before execution executed, pay into the court where such action shall have been brought, the damages assessed as aforesaid, together with the costs, a stay of execution of the said judgment shall be entered on the record.

SECTION 4. If the defendant in such judgment shall pay upon an execution issued thereon, the damages assessed as aforesaid, together with the costs of suit, and the costs of such execution, such payment shall be entered upon record, and the body, goods, and real estate of such defendant, shall thereupon be discharged from such execution.

SECTION 5. *Provided,* That judgments obtained upon any bond, for any penalty as aforesaid, shall remain as a further security for such damages, as the plaintiff, his executors or administrators, shall sustain, by any further breach of any covenant or agreement as aforesaid.

II. OF OFFICIAL BONDS.

SECTION 6. Every bond and obligation which shall be given to the commonwealth by any public officer, or by any person appointed under authority of law to execute any public trust; also, every bond which shall be given by any executor, administrator, guardian, committee, assignee, receiver or trustee, with intent, in every of the said cases, to secure the faithful execution of the respective offices, employment or trust, and for the use of all such persons and bodies politic and corporate, as may be affected by the official acts or neglect of such officer or person, may be sued and prosecute in the manner following, to-wit:

I. The writ shall in such case, be issued in the name of the commonwealth, and the names of the persons by whom the same shall be sued out, shall be suggested as plaintiffs therein, and such persons shall be liable for the costs of the suit, in like manner as plaintiffs in other cases.

II. If two or more persons having several interests, shall join in suing such writ, it shall be lawful for them to declare separately thereon, and set forth in their declarations respectively, the breaches of the condition of such bond or obligation, which shall have been made to their particular injury, or they may join in declaration thereon, and afterwards in their replications, or otherwise, according to the course of practice in like cases, set forth upon the record the breaches of the condition aforesaid.

- III. It shall be lawful for any other person to whom a cause of action shall have accrued on such bond or obligation, at any time before judgment, upon a suggestion filed with leave of the court, to be made a party plaintiff in such writ, and thereupon, he may declare and set forth the breaches of condition of such bond or obligation, to his particular injury, as aforesaid.
- IV. The obligors in any such bond or obligation, may plead, performance of the condition thereof, so far as it respects the persons by whom such writ was sued, or any of them, and if such fact be confessed or found, such persons shall be debarred of their action upon that writ.
- V. If several persons shall join as aforesaid, in any such writ, and if issues be taken by them separately from each other, against the defendants, it shall be lawful for them to have a separate trial thereof, or at their election, such issues may be tried at the same time, and if they be issues in fact, by one and the same jury.
- VI. The parties to any issue taken as aforesaid, shall be liable for the costs of the trial thereof, in like manner as if they only were parties in the proceeding.
- VII. If judgment, upon all issues taken as aforesaid, be rendered for the defendants, such judgments, and the pleadings and proceedings upon which they shall be founded, shall not estop, debar, or otherwise affect the action which any other person, or body politic or corporate, may at any time have upon such bond, nor shall such judgment debar any action which the said plaintiffs may have therein, for any subsequent breach or cause.
- VIII. If final judgment be rendered against the defendants, upon any issue taken as aforesaid, such judgment shall be as follows, to wit:
- First*, for the commonwealth, in the amount of such obligation or bond.
- Second*, for the plaintiff in such issue, in the amount of damages assessed, and for the costs accrued between such plaintiff and the defendants.
- IX. The judgment of the commonwealth as aforesaid, shall remain for the satisfaction of all persons entitled to the benefit of the bond or obligation upon which it was rendered, and for all and singular, the like uses and purposes; but the said judgment shall not be a lien upon the real estate of the defendants, unless the commonwealth shall have commenced the action, nor shall execution thereof be had, except in the manner hereinafter provided.
- X. The judgment for the plaintiff in such issue as aforesaid, shall be a lien upon the real estate of the defendants, to the amount thereof, and such plaintiff may have execution thereof, on a writ of scire facias, or other action thereon, in

like manner as may be had in the case of judgments in other personal actions.

XI. In all cases where the condition of any such bond shall be broken, after a judgment rendered for the commonwealth, as aforesaid, it shall be lawful for the party aggrieved, to proceed by a writ of scire facias upon such judgment, suggesting his interest therein, to assess and recover the damages which he shall have sustained, in the manner herein before provided in the case of the breach of the condition of a bond taken to secure the performance of a covenant, after a judgment had upon such bond.

XII. Every judgment rendered for the plaintiff in any such writ of scire facias, shall be of like effect, to all intents and purposes, as judgments obtained by plaintiffs in other personal actions.

XIII. It shall be lawful for the sureties in any bond as aforesaid, to pay into court, at any time after suit brought thereon, as aforesaid, the whole amount of the penalty of the bond, with all costs of suit up to that time, and thereupon, they shall be discharged from all further liability by reason thereof; but nothing herein contained shall debar any person of his action, or of his execution against the officer, trustee, or other person for whom such security was given, for any damages which shall not be paid out of such bond.

SECTION 7. That this act shall take effect from and after the first day of September next, and all such acts of assembly as are hereby altered or supplied, shall be, and are hereby repealed, except so far as may be necessary to finish proceedings commenced before that time.

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The fourteenth day of June, Anno Domini, one thousand eight hundred and thirty-six.

JOS : RITNER.

No. 177.

An Act

Authorizing the Governor to incorporate the Philadelphia and Taylorsville railroad company, the Hestonville and Schuylkill railroad company, to amend the charter of the Philadelphia and Reading railroad company, and the Little Schuylkill navigation railroad and coal company.

Commiss'rs.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Joseph P. Norris, jr., Joseph Watson, Richard Morris, Joseph R. Jenks, David Dorrance, William Yardley, Joseph T. Mather, Elijah Vansickle, Samuel Kimber, Mordecai Lewis, Tobias Huber, Augustus Stephenson, Elijah Dallett, John H. Palethorp, Franklin Comly, John W. Trump, Dr. Edward Swift, Thomas Reading, Franklin Vansant, Jacob Shearer, Samuel Castor, Edward Edwards, Robert A. Parrish, John Calin, William Carr, Joseph Smith, Thomas Coates, Robert V. Massey, Ralph Eddowes, Israel Walton, John P. Townsend, Charles Walmsley, Jacob Snyder, John Fox, Benjamin Bonner, John Foulkrod, William Overington, Nathan Livezey, sen., Thomas L. Hart, Jacob Shallcross, Amos Snyder, James Vance, John Meany, Thomas H. Craig, Isaac Whitelock, Stephen Phipps, Ephraim Ryno, John B. Wiunder, Joshua Seckle, James Buckman, John Wistar, jr., John C. Channon, Robert Buckman, Mahlon Dungan, Michael Day, William Boyde, Joseph Paxson, George Londell, John E. Keen, Peter Browne, Franklin Eyre, George Day, Peter Deal, How Keith, John Ristine, James Williamson, Daniel Fitler, George Steinmetz, Thomas Wallace, William Lenker, Henry Remney, jr., Andrew Donaldson, Charles Massey, Jonathan Wainwright, John White, John Byerly, Adam Richards, James Keen, Hugh Clark, John Baird, Ignatius McDonough, Richard Peltz, Joseph Aikens, Benjamin P. Systy, Charles Oakford, Alexander Burden, Benjamin T. Bioren, John Craven, Joseph B. Haines, William G. Alexander, of the city and county of Philadelphia, Mahlon R. Taylor, Edward Yardley, Phineas Jenks, David Roberts, Thomas Buckman, Bernard Taylor, James Worth, Anthony Taylor, Samuel Swift, David B. Taylor, Thomas L. Allen, Jolly Longshaw, Courtland Yardley, John Paxson, Isaac Livezey, William Gillam, John Praul, Augustus Mitchell, Joseph Jenks, Joshua Knight, Joseph Johnson, Joshua Woolston, Michael H. Jenks, John A. Mitchell, Daniel T. Jenks, Samuel B. Beatty, Joshua C. Carby.

Jonathan Stackhouse, Aaron Tomlinson, Joshua Richardson, Benjamin Mather, Robert Croasdell, Dr. David Hutchinson, Chapman Buckman, Morris Buckman, George Yardley, John Goslin, Robert D. Carey, Arnold Myers, George Harrison, Aaron Feaster, Jonathan Wynkoop, Adrian Connell, Joseph Archambault, Joseph Briggs, Simpson Torbert, Samuel Buckman, jr., Robert S. Trego, John Yarkley, Edward Nicholson, Samuel Hentzelman, Samuel Shoch, Lewis S. Coryell, Stacy Brown, James Johnson, Thomas Bette, Huston Thompson, John Davis, Jesse Johnson, Joseph Morrison, David Webster, John Finney, John H. Bispham, John W. Stackhouse, Enos Reder, James Flowers, Mardon Wilson, Clayton Richardson, John Leferts, Garret Brown, William B. Vandegrift, Dr. R. A. Hunt, Daniel T. Jenks, Simon Cameron, Francis Park, Joseph S. Park, John Park, Peter Williamson, John Johnson, M. N. Everly, James Campbell, A. Alexander Robb, W. V. Griffith, James Hanna, Daniel Green, Joseph Huddell, jr., Anthony Campbell, Robert Coburn, John Krause, Joseph Wetherill, Joel Evans, Alexander M'Causland, W. B. Ardis, Thomas M. Femiington, Francis M'Bride, George L. Ashmead, Reese W. Flower, William H. Hartnell, Robert M'Clatchy, Barnard M'Gee, Charles Ayres, James A. Campbell, Robert W. Smith, James M. Closky, John W. Ashmead, Joseph Rickard, Edward D. Corfield, Samuel M'Fate, George Crist, George Erety, William A. Ennis, Thomas Forsyth, Charles A. Roberts, George S. Roberts, Samuel Halzell, John R. Scott, Daniel Clark, Michael Andress, James Swaim, Samuel Hart, William Fry, Jesse Y. Castor, W. L. Norton, Joseph Haugh, John Ligget, S. H. Carpenter, John Rheiner, jr., Samuel Black, Adam Woelpper, Lawrence Shuster, George Rockenburg, John D. Ninestell, Benjamin Yeager, Nicholas Saring, Peter Shuster, Joseph J. Esling, James Comly, be, and they are hereby appointed commissioners to do and perform the several things hereinafter mentioned; that is to say: they, or any three of them, shall procure a sufficient number of books, and in each of them enter as follows, viz: "We and each of us whose names are hereunto subscribed, do promise to pay to the directors of the Philadelphia and Taylorsville railroad company, the sum of one hundred dollars for every share of stock set opposite to our respective names, and by us respectively subscribed, in such manner and proportions, and at such times and places as shall be determined and directed by the said directors, in pursuance of an act entitled 'An act authorizing the Governor to incorporate the Philadelphia and Taylorsville railroad company;' Witness our hands, the day of , in the year of our Lord, one thousand eight hundred and thirty- ;" and shall thereupon give at least twenty days previous public notice, in

Commissioners

Form of subscription.

- Notice.** two of the daily papers printed in the city of Philadelphia, and two in the county of Bucks, of the times when and places where some one or more of the aforesaid commissioners will attend, and receive subscriptions from all persons of lawful age who shall offer to subscribe in said books, which shall be kept open for the purpose aforesaid, at least six hours in every juridical day, for the space of three days, or until there shall be subscribed in the said books six thousand shares: *Provided*, That no individual be permitted to subscribe in his own name, or by proxy, for more than fifty shares of stock on any of said days except the last that the books of the company be opened for subscription, and if at the expiration of three days, the books aforesaid shall not have the number of shares aforesaid therein subscribed, then the said commissioners, at their discretion, may adjourn from time to time, and transfer the books elsewhere, until the whole number of shares aforesaid shall be subscribed, of which adjournment and transfer, the commissioners aforesaid shall give such public notice as the occasion may seem to them to require, but no subscription shall be valid, unless the person so subscribing, shall pay to the said commissioners at the time of making the same, the sum of five dollars on each share, for the use of the company: *Provided*, That before the said commissioners proceed to perform the duties herein before prescribed, they shall take and subscribe an oath or affirmation respectively, and file the same with the prothonotary of the court of Common Pleas of the county of Philadelphia, they will not directly nor indirectly, subscribe for more than fifty shares of the stock in the said road, either for their own use, or for the use of any other person or persons, nor permit any person or persons in their name, or for their use, to subscribe for more than fifty shares of the said stock; and if the said commissioners, or any of them, shall subscribe, or permit others to subscribe, for any stock of the said company, contrary to the provisions of this section, and shall be thereof duly convicted, he or they shall be liable to all the penalties of perjury.
- Who may subscribe.**
- Proviso.**
- 2d Proviso.** That before the said commissioners proceed to perform the duties herein before prescribed, they shall take and subscribe an oath or affirmation respectively, and file the same with the prothonotary of the court of Common Pleas of the county of Philadelphia, they will not directly nor indirectly, subscribe for more than fifty shares of the stock in the said road, either for their own use, or for the use of any other person or persons, nor permit any person or persons in their name, or for their use, to subscribe for more than fifty shares of the said stock; and if the said commissioners, or any of them, shall subscribe, or permit others to subscribe, for any stock of the said company, contrary to the provisions of this section, and shall be thereof duly convicted, he or they shall be liable to all the penalties of perjury.
- Commiss'rs. not to subscribe for more than 50 shares.**
- When letters patent may issue.** SECTION 2. When three thousand shares or more shall be actually subscribed, and five dollars on each share paid to said commissioners, the commissioners, or a majority of them, shall certify the same, under oath or affirmation, to the Governor of this commonwealth, and on the receipt of such certificate, the Governor shall, by letters patent, under his hand and the seal of the commonwealth, create and erect the subscribers, and if the subscription be not full at the time, then those also who shall thereafter subscribe to the whole number of shares aforesaid, into a body politic and corporate in deed and in law, by the name, style and title of "The Philadelphia and Taylorsville railroad company," and by the same name the subscribers shall have perpetual succession.
- Style & title.**

and all the privileges, franchises and immunities incident to Privileges & a corporation, may sue and be sued, plead and be impleaded, liabilities. in all the courts of record or elsewhere, may purchase, receive, have, hold and enjoy, to them and their successors and assigns, lands, tenements and hereditaments, goods, chattels, and all estate, real, personal and mixed, of what kind or quality soever, and the same from time to time to sell, mortgage, grant, alien or dispose of, and make dividends of such portions of the profits as they may deem proper, and also, may make and have a common seal, and the same alter and renew at pleasure, and generally, may do all and singular, the matters and things which to them it shall lawfully appertain to do for the well being of the said corporation, and the due arrangement and ordering of the affairs and business of the same: *Provided*, That nothing herein contained, shall be *Proviso*. considered and construed as giving to the said corporation any banking privileges, or any other liberties, privileges or franchises, but such as may be necessary or incident to making and maintaining the said railroad, and to the conveyance of passengers, and the transportation of goods, merchandise and commodities thereon.

SECTION 3. For the management of the affairs of the said Directors. corporation; nine directors shall be elected, by ballot, annually, by the stockholders of the said company, the votes to be delivered in person, or by proxy duly authorized, which directors shall appoint one of their own number to be president, and shall respectively serve one year, or until other directors be elected, and shall have power to make *Duties*. such by laws, rules, orders and regulations; not inconsistent with the laws of the United States and of this commonwealth, as may be necessary for the well ordering of the affairs of the said company; *Provided*, That none but stockholders *Proviso*. shall be eligible to be elected directors, and that at every such election, and in all cases in which the stockholders shall be called upon to, and the number of votes to which each stockholder shall be entitled, shall be according to the number of shares he or she may hold, in the proportions following: For each share not exceeding ten shares; one vote; and for every five shares above ten and not exceeding thirty, two votes; and for every five shares above thirty and not exceeding fifty, one vote; but no share above fifty, as aforesaid, shall confer any additional right of voting; and also, that in all cases of elections for directors, the nine stockholders having the greatest number of votes shall be declared duly *2d Proviso* elected: *And provided also*, That no share or shares of stock, shall be entitled to vote at any election, or at any general or special meeting of the said company, on which any installment or arrearages may have been due, and payable more than twenty days previously to the said election or meeting, and that all votes by proxy, shall be upon such terms and

conditions as are prescribed by the act passed the twenty-eighth day of March, in the year one thousand eight hundred and twenty, entitled "An act to regulate proxies:" *Provided*, That all proxies shall be dated within sixty days of the election at which the same shall be presented.

3d *Proviso*.

Organization
of company.

Time of annual
election.

Proviso.

2d *Proviso*.

Powers of
directors.

Proviso.

SECTION 4. The aforesaid commissioners, or a majority of them, shall, as soon as practicable, after the said letters patent shall have been obtained, give at least fifteen days previous public notice, in the newspapers hereinbefore mentioned, of the time and place by them appointed for the subscribers or stockholders to meet, for the purpose of electing nine directors, as provided for in the preceding sections, and that annually thereafter, they shall meet on the second Monday in January, for the purpose of electing directors as aforesaid, upon a like previous notice, to be given by the directors for the time being, in such newspapers as they may deem advisable: *Provided*, That if from any cause, such election shall not be held at the time specified therefor, the same may be held at any other time, on notice as aforesaid; that until such election be held, the directors of the preceding year shall continue to act, and that this charter shall not be avoided by reason of the irregularity or want of such election: *And provided also*, That in case of vacancy, from death or resignation of any director, his place shall be filled by the board of directors.

SECTION 5. The said directors shall meet at such times and places, and be convened in such manner as they may hereafter agree upon; five directors shall be a quorum for the transaction of business, who, in the absence of the president, may appoint a president pro tem; the said directors shall appoint a secretary, treasurer, and such engineers and other officers as they may find necessary, shall fix their compensation, and may demand adequate security for the performance of their respective trusts; they shall have full power to ascertain and decide the time, manner and proportions in which the stockholders shall pay the money due on their respective shares, and to forfeit to the use of the company, the share or shares of every person so failing to pay any instalment so required, or bring suit for the recovery thereof; to regulate tolls, to make such covenants, contracts and agreements with any person, co-partnership, or body politic whatsoever, as the execution and management of the works, and the convenience and interests of the company require, and in general, to superintend and direct all receipts, disbursements, and other affairs and proceedings of the company: *Provided*, That if the said directors shall refuse to call in any instalments remaining unpaid on said capital stock, for one year after the funds paid in are exhausted, for the purpose of enabling them to satisfy debts due by the company, the said directors shall be personally responsible therefor.

SECTION 6. The directors first chosen as aforesaid, shall issue a certificate to each stockholder, for the number of shares he or she shall subscribe for, or hold in the said corporation, signed by the president, countersigned by the treasurer, and sealed with the common seal, subject however, to all the payments due and to grow due thereon, which stock shall be transferrable in person or by attorney, executors and administrators, guardians or trustees, under such regulations as may be provided by the by-laws: *Provided*, That after any instalment shall have been directed to be paid, no share of said stock shall be transferrable until the said instalment shall be paid. Certificates of stock.
Stock trans-
ferrable, and
how.
Proviso.

SECTION 7. At each annual meeting of the stockholders, the directors of the preceding year shall exhibit to them a complete statement of the affairs and proceedings of the company for such year, and that special meetings of the stockholders may be called by order of any three directors, or by stockholders holding one fourth in amount of the capital stock, on like notice as that required for annual meetings, specifying moreover, the object of the meeting; but no business shall be transacted at such special meeting, unless a majority in value of the stockholders shall attend, in person or by proxy. Annual state-
ment.
Special meet-
ings.

SECTION 8. The said company be, and they are hereby authorized, as soon as they conveniently can, to locate and construct a railroad, of one or more tracks, from a suitable point in the district of Kensington or Northern Liberties in the county of Philadelphia, taking the nearest and most practicable route through the counties of Philadelphia and Bucks to the Delaware river, at Taylorsville, and to make, construct, and erect such depots, toll houses, carriages, cars, and all other works and appendages necessary for the convenience of the said company in the use of the said railroad: *Provided*, That the said company shall not be allowed to locate said railroad on any turnpike road or public street now constructed or laid out, to a greater extent than may be necessary in crossing the same, or to enable the said railroad to be carried to the river Delaware, at Taylorsville. Location and
route of rail-
road.
Proviso:

SECTION 9. It shall be lawful for the said president, directors and company, and their agents, and all persons employed by or under them for the purpose contemplated in this act, to enter upon any land which they shall deem necessary for lying out said road, and also, for the purpose of searching for stone, gravel, wood, or other materials for constructing said road, but no stone, sand, gravel or wood, shall be taken away from any land without the consent of the owner thereof, until the rate of compensation for the same be ascertained and paid, which rate of compensation, if the parties cannot agree thereon, shall be ascertained in Right to en-
ter on lands.

the manner hereinafter prescribed, as to the compensation for lands over which said road may be laid.

Arrangement for assessment of damages. SECTION 10. Whenever it shall be necessary for the said president, directors and company, to enter in and upon, and occupy, for the purpose of making said railroad, any land upon which the same may be located, if the owner or owners of the said land shall refuse to permit such entry and occupation, and the parties cannot agree on the compensation to be made for any injury, or supposed injury, that may be done to said land by such entry and occupation, it shall and may be lawful for the parties to appoint six suitable and disinterested persons to estimate such damages, who shall be under oath or affirmation, fairly and impartially to estimate the same, and shall reside within the proper county where the land lies, and the expenses incurred by the said appraisers, shall be defrayed by the said railroad company; but if the parties cannot agree upon such persons, or if the persons so chosen shall not decide upon the matter, or if the owner of such land shall refuse or neglect to join in such appointment, within twenty days after the requisition for that purpose upon him, or if such owner shall be feme covert, under age, non compos mentis, out of the state, or unknown, then it shall be lawful for the court of Common Pleas of the county in which the land lies, on application of either party, and at the cost and charges of said corporation, to appoint six disinterested men of said county to view, examine, and survey the said lands, tenements, or hereditaments, and estimate the injury or damage, if any, that in their apprehension will be sustained as aforesaid, by reason of said railroad, and report the same, under their oaths or affirmations, to the said court, which report, being confirmed by the said court, judgment shall be entered thereon, and the viewers shall be entitled to the like fees for their services, as are allowed by law to viewers of public roads and highways, to be paid by the said company, and it shall be the duty of the said appraisers in estimating such injury or damage, to take into consideration the advantages that will be derived to the owner or owners of the said lands, from the said railroad:

Appointment of viewers. *Provided,* That either party may appeal to the court within thirty days after such report may have been filed in the prothonotary's office of the proper county, in the same manner as appeals are allowed by the provisions of the arbitration act of the year eighteen hundred and ten, and upon the coming in of such report, and the confirmation thereof, or upon final judgment or appeal therefrom, and the said company shall pay to such owner the sum in such report or judgment specified, in full compensation for said lands, or for the injury sustained as aforesaid, and they, and all who act under them, shall be acquitted and freed from all

Expenses to be paid by the company.

When parties cannot agree court shall appoint.

Proviso.

responsibility for, and on account of such injury: *Provided*, 2d *Proviso*. Upon payment, or tender of payment, by the said company, of the sum specified in the report of said viewers or appraisers, to the owners of said land, the said president and managers of said company, their agents or contractors for making and repairing the said road, may immediately take and use the same, without awaiting the issue of proceedings, as herein-before prescribed.

SECTION 11. The said railroad shall be so constructed by Company to the said company, as not to obstruct or impede the free use erect public d passage of any public road or roads which may cross or causeways. enter at the same, being now laid out, or hereafter to be laid out, and in all places where the said railroad may cross, or in any way interfere with any public road, it shall be the duty of the said company to make, or cause to be made, a good and sufficient causeway, or causeways, to enable all persons passing or traveling such public road, to cross and pass over or under the said railway, which causeway, or causeways, shall be made and maintained by the said company, and if the said company shall refuse or neglect to make such causeway or causeways, or when made, to keep the same in good repair, Penalty for they shall be liable to a penalty of ten dollars for every neglect. day the same shall be neglected or refused to be made or repaired, after having been duly notified thereof, to be recovered by the supervisor of the township, or the officers of any incorporated company, with costs, for the use of the township or company, as debts of like amount are by law recoverable, and shall moreover, be liable to an action or actions, at the suit of any persons who may be aggrieved thereby, and the service of process upon any officer or agent of said company, shall be as good and available in law, as it served upon the president thereof: *Provided*, That no obstruc- *Proviso*. tion whatever, shall be placed on or across any stream now declared a public highway, so as to impede or interfere with the full and free navigation thereof, or to change the direction of any stream or water course, not declared a public highway, so as to effect the rights and interests of the owners thereof, without the consent of the said owners, unless the right to the same be obtained by such process as is before directed in relation to other property.

SECTION 12. For the accommodation of all persons owning Erection or possessing land through which the said railroad may or of private shall pass, and to prevent inconveniences to such persons in causeways. crossing or passing the same, it shall be the duty of the said company, when required, to make, or cause to be made, a good and sufficient causeway or causeways, wherever the same may be necessary, to enable the occupant or occupants of said lands, to cross or pass over or under the same, with wagons, carts, and implements of husbandry, as the occasion may require: *Provided*, That the said company shall in no *Proviso*.

Penalty for neglect.

Provided.

When company may receive toll.

Provided.

President & directors to prescribe the kind of conveyances to be used.

Power to purchase machines, &c.

case be required to make, or cause to be made, more than one such causeway through each plantation or lot of land, for the commodation of any one person owning or possessing land through which the said railroad may or shall pass; the said causeway or causeways, when so made, shall be maintained and kept in repair by said company, and if said company shall refuse or neglect to make such causeway or causeways, or when made to keep the same in good repair, when duly notified thereof, the company shall be liable to pay any person aggrieved thereby, all the damages sustained by such person, in consequence of such refusal or neglect, to be sued for and recovered, before any magistrate, or any court having cognizance thereof, and the service of process upon any officer or agent of said company, shall be as good and as available in law as if served upon the president thereof: *Provided*, That nothing in this act shall be so construed, as to prevent owners of land through whose property the said railroad passes, from constructing a causeway or crossing places over said railroad, but the same to be such as are usually made by the said company.

SECTION 13. On the completion of the said railroad, or any portion thereof, not less than twenty miles, the same shall be esteemed a public highway, for the conveyance of passengers, and transportation of merchandise and commodities, under such regulations as shall be prescribed by the directors; and it shall and may be lawful for the said company, to demand and receive such sum or sums of money for toll, of persons and property, as they shall from time to time think reasonable: *Provided*, That the toll on any species of property, shall not exceed four cents per ton per mile, nor upon passengers more than three cents each per mile; and it shall be further lawful for the president and directors of the said company, to prescribe the kind of carriages, wagons and conveyances which shall be used on the said road for the transportation of persons and commodities, and to adopt such regulations as to the transit of wagons and carriages on the said road, as may seem to them most conducive to the interests of the public, and of persons using the same, and the legislature reserve the right to reduce and regulate the tolls hereby authorized.

SECTION 14. The said president and directors, shall have full power to purchase with the funds of the said company, and place on the said railroad, all machines, wagons, vehicles, carriages, and teams of any kind whatsoever, which they may deem necessary and proper, for the purposes of transportation, and that they may also, to any extent which they may deem advisable, transport all goods, wares, minerals, and merchandize, or other articles which may be offered them for transportation, and all passengers wishing to be conveyed on their railroad, and the said president and

directors may charge for toll and freight on all articles, and Toll for all passengers so conveyed by them, their officers or agents, not exceeding twice the rates granted in the preceding section of this act for tolls alone: *Provided*, That if the *Proviso*. said machines, wagons, vehicles, carriages and teams, shall be so used on the said railroad as to prevent, or render unsafe, the traveling upon any canal or public road now constructed or laid out, on or near to the line of the said railroad, the legislature may order and direct such rules and regulations for the said machines, wagons, vehicles, carriages and teams, as will secure such traveling safe and uninterrupted.

SECTION 15. Dividends of so much of the profits of the *Dividends to* institution as shall appear advisable to the managers, shall be declared be declared at least twice a year in every year, and paid *semi-annual-* to the stockholders, on demand, at any time after the expi-ly. ration of ten days therefrom, but they shall in no case exceed the amount of the nett profits actually acquired by the Capital stock company, so that the capital stock shall never be thereby not to be im- impaired; if the said managers shall make any dividend *paired*. which shall impair the capital stock of said institution, the managers consenting thereto, shall be liable in their individual capacities to said company, for the amount of the stock so divided, and each manager present when such dividend is made, shall be adjudged to be consenting thereto, unless he forthwith enter his protest on the minutes of the board, and give public notice to the stockholders, at the declaring of such dividend; *Provided*, no dividend shall exceed *Proviso*. twelve per cent. per annum: *And provided further*, That *2d Proviso*. whenever the dividend shall exceed six per cent. per annum, the said company shall pay a tax of eight per cent. on all dividends declared by said company, into the treasury of this state, for the use of the commonwealth.

SECTION 16. That if it shall appear to the said company, *Capital stock* that the amount of capital authorized by this act is insuf- may be in- ficient to complete said railroad, and to accomplish the *created*. several objects of this charter, it shall be lawful for the stockholders assembled at any annual or special meeting, to increase the said capital to the necessary amount, by increasing the number of shares, and directing an additional subscription: *Provided*, That the said capital shall in no case *Proviso*. be increased so as to exceed one million five hundred thousand dollars.

SECTION 17. If the said company shall not carry into *To complete* effect the objects of their charter within the term of five in 5 years. years from the passing of this act, or if after the completion *keep in repair* of the said railroad the said corporation shall suffer the same to go to decay, and be impassable for the term of two years, then this charter shall become null and void, except so far as compels the said company to make reparation for damages.

Lateral rail-
road.

SECTION 18 The said company shall not prevent any person or persons, being the owner or owners of land bordering on said railroad, or adjacent thereto, from making such lateral roads, and to connect them with said railroad, from their said lands, as the said person or persons may conceive necessary, but so as not to interfere with or impede the use thereof.

Right to re-
voke charter
reserved.

Proviso.

SECTION 19. If the said company shall at any time misuse or abuse any of the privileges hereby granted, the legislature may resume, all and singular, the rights and privileges hereby granted to the said company: *Provided*, That the state may, at any time after the expiration of thirty years, have the privilege of purchasing the entire interest and property of the said corporation, by paying to said company a sum of money which, together with the tolls received, shall equal the cost and expenses of said railroad with an interest of eight per centum per annum, thereon.

May make
alterations in
route of loca-
tion.

SECTION 20. The president and managers of the said company be, and the same are hereby authorized, at their own proper cost and expense, to make such alterations as may appear to them to be expedient, in the route and location of any state, county, or township road, along which, or in the immediate vicinity whereof, their railroad, or any part thereof, does or shall pass, and to lay out and open, to such width as shall be necessary, so much of any of the said roads as shall be relocated, and such new route of any of the said roads as shall be considered as a public highway, to be supported and kept in repair as other highways in this commonwealth are supported and kept in repair, and so much of the route as may be thereby altered, shall be thereby vacated: *Provided*, That the said company shall, within six months after the making of such alterations, report a draft of the same to the court of Quarter Sessions of the county wherein the said road is located: *And provided further*.

Proviso.

2d Proviso.

That any person who may consider himself injured by such alterations, may recover damages for the same against the said companies, in the same manner as other damages occasioned by the said railroads respectively, are now assessed and compensated.

Hestonville &
Schuylkill
Haven rail-
road comp'y.

SECTION 21. John Bouvier, George A. Graham, James Todd, Robert E. Peterson, Ignatius M'Donough, James B. Hutchison, Daniel J. Carter, John Hennes, John Evans, Bela Badger, Wm. A. Martin, J. B. Mitchell, J. B. Sutherland, John R. Walker, James M'Cormack, Wm. E. Lehman, R. W. Pomeroy and William Noble of Lancaster county, and Joseph Lyon of Schuylkill, and such persons as they shall associate with them, be, and they are hereby declared to be, one body corporate in law, by the name of the Hestonville and Schuylkill railroad company, to whom letters patent shall be granted by the Governor, as soon as they shall have

When letters
patent may
issue,

agreed to make the road hereinafter mentioned, and the same shall be certified to the Governor.

SECTION 22. The said Hestonville and Schuylkill rail- Location of road company, shall have power to make a railroad, with road. a double track, from the West Philadelphia railroad, at a point at or near Hestonville, in the county of Philadelphia, to a point at or near the foot of the inclined plane near Peters' Island, on the river Schuylkill, in said county, similar to the West Philadelphia railroad.

SECTION 23. There shall be as many shares of stock in Number of said company, as there shall be corporators at the time of shares. granting letters patent, as aforesaid.

SECTION 24. The corporate powers of the Hestonville and Corporate Schuylkill railroad company, shall be the same as those of powers. the West Philadelphia railroad company.

SECTION 25. The Hestonville and Schuylkill railroad Privileges & company, shall be and continue, as far as may be, liable to liabilities the same duties, and have the same authority in the making same as those of said railroad, and in the management of their affairs, in the of West Phil- election of their officers, in suing and being sued, in making ad'a. railroad contracts and agreements, in charging and collecting tolls, company. and there shall be the same limitations of actions for damages, as there is provided in the act entitled "An act to incorporate the West Philadelphia railroad company."

SECTION 26. If the said Hestonville and Schuylkill rail- Time of com- road company, shall not proceed to carry on the said work mence- ment for two years from the passage of this act, and not complete and comple- the same in four years thereafter, according to the true tion. intent and meaning of this act, or if after the completion of the said railroad, the said corporation shall suffer the same Company to to go to decay, and be impassable for the term of two years, keep road in then this charter shall become null and void, except so far repair. as compels the said company to make reparation for damages, and to enforce contracts and duties which it may owe, or which may be due to it.

SECTION 27. No dividend shall exceed twelve per cent. Dividends. per annum, and whenever the dividend shall exceed six per cent. per annum, the said company shall pay a tax of eight per cent. on all dividends declared by said company, into the treasury of this state, for the use of the commonwealth.

SECTION 28. The president, managers and stockholders of Right to pur- the said last mentioned railroad company, shall sell and chase re- convey to the commonwealth, at any time that the legislature served. may think proper to require the same, all their right, title and interest in the said road, upon the commonwealth paying to the said company the amount of money expended by them in constructing and repairing said road, together with interest at six per cent. per annum, from the time the money was expended, after deducting the amount of the dividends of the nett proceeds of said company.

Philadelphia
and Reading
railroad co.
and Little
Schuylkill
railroad and
coal comp'y.

Power to
alter the loca-
tion of roads
in the vicini-
ty of rail-
road.

Proviso.

2d Proviso.

3d Proviso.

4th Proviso.

Borough of
Erie—when
owners re-
fuse, burgess
and council
to pave oppo-
site lots at
the expense
of the owners
thereof.

SECTION 29. That it shall be lawful for the Philadelphia and Reading railroad company, and the Little Schuylkill Navigation railroad and Coal company, to continue their respective railroads, in and through the borough of Reading, along the line of any street east of Callowhill street, and to occupy the line of such street, so as to effect a junction of their said railroads, at such point within the borough as they may deem most expedient; and that it shall be lawful for them, at their own proper cost and expense, to make such alterations as may appear to them to be expedient, in the route and location of any state, county, or township road, along which, or the immediate vicinity whereof, their railroad, or any part thereof, does or shall pass, and to lay out and open, to such width as shall be necessary, so much of any of the said roads as shall be relocated, and such new route of any of the said roads, shall be considered as a public highway, to be supported and kept in repair as other highways in this commonwealth are supported and kept in repair, and so much of the route as may be altered, shall be thereby vacated: *Provided*, That the said company shall, within six months after the making of such alterations, report a draft and description of the same to the court of Quarter Sessions of the county wherein the said road is located: *And provided further*, That any person who may consider himself injured by such alterations, may recover damages for the same against the said corporation, in the same manner as other damages occasioned by the said railroads, respectively, are now assessed and compensated: *And provided further*, That the new road shall be made as good as that now in use; and that the authority hereby granted, shall not extend to authorize an interference with any company previously incorporated by law: *And provided further*, The mode of assessing damages on that part of the road of the Little Schuylkill Navigation railroad and Coal company, as lies between Port Clinton and Reading, shall be the same as those that are provided for in the twelfth section of the act to incorporate the Philadelphia and Reading railroad company, passed the fourth day of April, A. D. eighteen hundred and thirty-three.

SECTION 30. That whenever the burgess and town council of the borough of Erie, in pursuance of the power vested in them by the act incorporating said borough, shall require the owner or owners of lots on any street, part of the street, or the public square thereof, to pave the side walk in front of their respective lots, and such requisition shall not be complied with in a reasonable time thereafter, to be fixed by the said burgess and council, it shall be lawful for said burgess and council, to cause such pavement to be constructed, and the several lots in front of which the same shall be so constructed, shall be subject to a lien for the payment of the expense thereof.

SECTION 31. In all cases of liens created in pursuance of ^{How. liens} this act, it shall be lawful for the burgess and council, to ^{shall be col-} enforce the collection of the amount thereof, by scire facias, ^{lected.} in the same manner and under the same regulations and restrictions as in cases of liens under the act of the seventeenth of March, eighteen hundred and six, securing to mechanics and others, payment for their labor and materials, and the supplements thereto; and when the owner or owners of any such lot cannot be found in the county, a copy of the scire facias shall be set up in the prothonotary's office, in said borough, and also upon a post, or some fixture on the lot against which the claim is filed.

SECTION 32. All requisitions for the pavement of the side walks, shall be made by ordinance of the burgess and council, and published in the same manner as other ordinances of said borough.

SECTION 33. Nothing herein contained, shall be construed ^{May compel} to prevent the said burgess and council from adopting such payment according to other measures to compel the pavement of the side walks, as ^{act of incor-} are or may be authorized by the act of incorporation, and ^{poration.} ordinances made in pursuance thereof.

SECTION 34. That so much of the act incorporating said ^{Repeal.} borough, as prohibits the erection of any building on the north side of Water street, be and the same are hereby repealed.

SECTION 35. The burgess and town council of said borough, ^{May charge} shall have power, by ordinance, to alter the width, and ^{location of} change the location of Water street, in said borough, by ^{Water street} moving the same so far northwardly from its present location, as the public good shall require; and the location thus fixed, shall thereafter remain firm and stable, and be subject to the same laws, ordinances and regulations as other streets of the borough.

SECTION 36. That the commissioners of the county of ^{Commis'srs.} Franklin, are hereby authorized and empowered, in their ^{of Franklin} own names, and for the use and benefit of the county afore- ^{co. may pur-} said, to contract and purchase from Levin Murphy, at such ^{chase certain} price as may be agreed on between the parties, and take ^{lots.} assurances, of and for a certain lot of ground, situate on the north side of King street, in the borough of Chambersburg, and immediately adjoining the western wall of the yard of the jail of the said county.

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The fifteenth day of June, A. D. eighteen hundred and thirty-six.

JOS. RITNER.

No. 178.

An Act

For the relief of Joseph Barnett and others, soldiers and widows of soldiers of the revolutionary war.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the State Treasurer be, and he is hereby authorized and required to pay to Joseph Barnett, Job Clark, Archibald Stewart, Joseph Burkher, and William Kline, of Fayette county, Jacob Kester of Columbia county, Arthur Nugent of Indiana county, Peter Bloser of Cumberland county, John Wilson of Northumberland county, Hugh Hall and Hugh Jordan of Clearfield county, John Patton and John Fee of Huntington county, John Patten of Bucks county, and Frederick Schœckler of Northampton county, soldiers of the revolutionary war, and Lucretia Utt of Northampton county, Elizabeth Grett and Elizabeth Schœner of Berks county, Anne Barnett and Mary Calboun of Fayette county, Mary Kerbaugh of Montgomery county, widows of soldiers of the revolutionary war, or to their respective orders, forty dollars immediately, and an annuity of forty dollars to each during life, payable half yearly, to commence on the first day of January, one thousand eight hundred and thirty-six.

Annuities & gratuities of \$40 each to Jos. Barnett and others.

SECTION 2. The State Treasurer is hereby authorized and required to pay to Henry McCarthy of Huntingdon county, a gratuity of forty dollars in full, for services performed in the revolutionary war; the foregoing gratuities and pensions to be paid in conformity with the existing laws.

Gratuity of \$40 to Henry M'Carthy

SECTION 3. That the State Treasurer is hereby authorized and required to pay to Joshua Heidler, and Mathias Featherhoof, of Adams county, John Fisher and Henry Christ, of Lancaster city, William Hentzel of Lancaster county, James Patterson of York county, Philip Keesey of Montgomery county, Thomas Birch of Fayette county, George Shelhamer of Dauphin county, and William Frazer of Bedford county, James Skelton of Crawford county, and John Francis of Philadelphia county, soldiers, and to Mary Strunk, and Elizabeth Heaton, Elizabeth Koch of Berks county, Catherine Brown and Elizabeth Sommer of the city of Lancaster, Jane Turner of Beaver county, Rachael Cycencider of Crawford county, widows of soldiers of the revolutionary war, or to their respective orders, forty dollars immediately, and an annuity of forty dollars to each during life, payable half

Annuities & gratuities of \$40 each to J. Heidler & others.

yearly, to commence on the first day of January, one thousand eight hundred and thirty six.

SECTION 4. That the State Treasurer is also hereby authorized and required to pay to Peter Steager of Lebanon county, forty dollars, in full for services performed in the revolutionary war, and to Margaret Ross of Washington county, a gratuity of forty dollars, in lieu, and in full satisfaction of the forty dollars given to her late husband by an act of the legislature, passed during the session of eighteen hundred and thirty-five, and eighteen hundred and thirty-six; the foregoing pensions and gratuity to be paid in conformity with the existing laws.

SECTION 5. The State Treasurer is hereby further authorized and required, to pay to Samuel Shoemaker, Daniel Van Campen, David M'Camack, and James Swartwood of Tioga county, in the state of New York, soldiers of the revolutionary war, forty dollars immediately, and an annuity of forty dollars to each during life, payable half yearly, to commence on the first day of January, one thousand eight hundred and thirty-six, to be paid by the Treasurer of Bradford county, to Darius Bullack, in trust for the use of the pensioners.

SECTION 6. That so much of the law passed the thirty-first day of March, one thousand eight hundred and thirty-six, entitled "An act for the relief of Thomas Russell, and other soldiers and widows of soldiers of the revolutionary war," as relates to Josiah Heidler of Adams county, be and the same is hereby repealed.

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The fifteenth day of June, A. D. one thousand eight hundred and thirty-six.

JOS: RITNER.

No. 179.

An Act

To incorporate the 'Quinn's Run railroad and coal company and to incorporate the Shamokin coal and mining company, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That William Morrison, David M. Micken, Jacob W. Pfoutz, James Wilson, John A. Gamble, and George Crain, and their associates, successors and assigns, be and they are hereby constituted a body politic and corporate, by the name and title of the Quinn's Run railroad and coal company, for the more convenient ownership and mining of coal in the counties of Lycoming and Centre, and the transacting of the usual business of companies engaged in the mining, transporting and selling of coals, and the other products of the coal mines, and likewise, the privilege of constructing necessary railroads, and the said corporation, by the said name, is hereby declared and made capable in law to sue and be sued, to plead and be impleaded, to have a common seal, and the same to alter and renew at pleasure, to make rules and by-laws for the regulation and management of said corporation, consistent with the laws of this commonwealth, and generally to do and execute whatever by-law shall appertain to such bodies politic: *Provided however,* That nothing herein contained, shall be considered as in any way giving to the said corporation any banking privilege, but they shall be exclusively confined to the operations necessary for the carrying on the mining of coal, and transporting the same, and also the constructing of necessary railroads and buildings, and that each and every stockholder, be in his individual capacity, liable for the debts and performances of all contracts entered into by said corporation, to the amount of the balance unpaid on the stock.

SECTION 2. The said corporation shall have the right to hold, possess, and enjoy, not exceeding five thousand acres of land, not to consist of more than five separate and distinct bodies in Lycoming and Centre, (now owned by said company,) and also, to purchase and hold, not exceeding five acres, in any other parts of the commonwealth of Pennsylvania, where they may deem it useful, either for landing places, of deposite, or other purposes connected with the prosecution of their business, and that the whole amount of their capital stock, shall not exceed in value three hundred thousand

Right to hold
5000 acres of
land.

Capital stock
not to exceed
\$300,000.

dollars, and shall be divided into three thousand shares, which capital shall be employed in purchasing and holding the lands aforesaid, and in constructing buildings, vessels, boats, arks, and such other improvements and machinery as may be necessary or useful for the mining and transporting of coal, and for the general purposes of said company; every member of the said company shall have a certificate, under the seal of the said corporation, made and attested in such manner and form as the by-laws shall direct, certifying his property, in the share or shares owned by him, and the stock of said company shall, in the nature of personal property, be assignable and transferrable, according to such rules as the board of directors shall establish, and no stockholder indebted to the company, shall be permitted to make a transfer, or receive a dividend, until such debt is discharged, or security given for the same, to the satisfaction of the board of directors.

SECTION 3. When the above named William Morrison, David M'Micken, Jacob W. Pfoutz, James Wilson, John A. Gamble, and George Crain, and their associates, shall have subscribed the whole number of shares aforesaid, and actually paid and expended not less than fifteen per cent. in money, and in purchasing lands, and in such other investments as are authorized by the second section of this act, for the use and purpose of said company, the Governor, on evidence thereof, under oath or affirmation, shall by letters patent, under his hand and seal of the state, create and erect the said William Morrison, David M'Micken, Jacob W. Pfoutz, James Wilson, John A. Gamble, and George Crain, and their associates, successors, and assigns, into one body politic and corporate, in deed and in law, by the name, style and title of the Quinn's Run railroad and coal company.

SECTION 4. The affairs of the company shall be managed by five directors, to be chosen annually from the stockholders, by majority of the votes given, either in person or by proxy; the first election shall be held in the borough of Jersey Shore, within thirty days after letters patent shall have issued, of which public notice shall be given, by three or more of the stockholders named in the first section of this act, at least two weeks previous, in one or more newspapers printed in Lycoming county, and at least one newspaper printed in the city of Philadelphia, and the subsequent elections shall be held annually, at such convenient time and place as the directors shall appoint, of which previous public notice shall be given, by the president of the company, at least thirty days.

SECTION 5. The directors, as soon as conveniently may be after their election, shall meet, at such time and place as may be designated by a majority of them, and choose by ballot, one of their number for president, to serve for one

Quorum.
Minutes.

year, or until suspended by a new election. they shall also have power to appoint other officers and agents, to conduct and prosecute the business of said company, in such manner as they shall deem necessary and proper; at all meetings of the board, three directors shall form a quorum to transact business, and minutes of all their proceedings, and regular accounts of all their transactions, as well as minutes of the proceedings of the stockholders, at each of their meetings, shall be duly recorded, in books to be kept for those purposes, and shall be exhibited for inspection, at all the meetings of the stockholders.

Route.

SECTION 6. The president and managers of said company, shall have power to survey, lay down, ascertain, mark and fix such route or routes as they shall deem expedient, for a single or double railroad, beginning at or near the lock at Quinn's Run; on the West Branch division of the Pennsylvania canal, in Lycoming county, thence up the valley of Quinn's Run, to a point most convenient for said company, not to exceed five miles.

President & managers authorized to enter in and upon lands & occupy the same.

SECTION 7. The said president and managers, and company, shall have power and authority, by themselves or their superintendents, engineers, artists, and workmen, to enter in and upon, and occupy, all land on which the said railroad may be located, and thereon to dig and embank, make and construct the same, satisfying the owner or owners thereof, but if the parties cannot agree upon the compensation to be made to such owner or owners, it shall be lawful for the parties to appoint five suitable, judicious and disinterested persons of the county of Lycoming, who shall be under oath or affirmation, and who shall reside within said county, and if they cannot agree upon such persons, then either of the parties may apply to the court of Common Pleas of the county of Lycoming, and the court shall award a venire, directed to the sheriff, to summons a jury of judicious and disinterested persons from the said county, in order to ascertain and report to said court what damages, if any, have been sustained by the owner or owners of said ground, by reason of the construction of said railroad through the same, which said jury of valuers, being duly sworn or affirmed, and having viewed the premises, shall proceed to estimate the quality and quantity of the land occupied by the said railroad, and all other inconveniences which may be likely to result therefrom to the said lands, and under the influence of these considerations, and a just regard to the advantages which may seem likely to result to the proprietor or proprietors of the said land, from the opening of the said railroad through the same, to make their assessment, and report to the court of the county, which report being confirmed by the court, judgment shall be entered thereon, and execution may issue, in case of non-payment, for the sum

Damages, how ascertained.

awarded, and the expenses incurred by the appraisers or jury, shall be defrayed by the said company: *Provided*, Provided. That either party may appeal to the court, within thirty days after such report may have been filed in the prothonotary's office of the proper county, in the same manner as appeals are allowed in other cases.

SECTION 8. The president and managers, by and with President & their superintendents, engineers, artists, workmen and managers labourers, with their tools, instruments, carts, wagons, and may enter other carriages, and beasts of draught or burden, may enter upon lands upon the lands contiguous and near the said railroad, first for timber, giving notice to the owners or occupiers thereof, and from sand, &c. thence to take and carry timber, stone, or gravel, sand or earth, doing as little damage thereto as possible, and repairing any breaches they may make in the enclosures thereof, and making amends for any damages that may be Damages— done thereon, but no timber, stone, gravel, sand or earth, how ascer- shall be taken away from any improved land, without the tained. consent of the owners thereof, until compensation for the same be first ascertained and paid, the amount whereof, if the parties do not agree, shall be assessed and valued as hereinbefore mentioned, in the seventh section of this act.

SECTION 9. The directors aforesaid, may from time to Installments time, at any meeting, assess upon each share of stock, such of stock to be sum of money, not exceeding fifteen per cent., as shall be paid on thirty judged necessary for the use and purpose of the company, to days notice. be paid at such time and place, and to such person as said directors may authorize to receive the same, and if after thirty days public notice, in one or more newspapers printed in Lycoming county, and at least one newspaper in the city of Philadelphia, of the time and place of payment of any proportion or instalment of said capital stock, any stockholder shall neglect to pay his instalment, at the place appointed, for thirty days after the time so designated, the Forfeiture for amount previously paid, shall be forfeited to the company, neglect. and the stock aforesaid, may be sold to any person, for such prices as can be obtained for the same.

SECTION 10. Dividends of so much of the institution as Dividends shall appear advisable to the managers, shall be declared at twice a year. least twice a year, in every year, and paid to the stockholders on demand, at any time, after the expiration of ten days therefrom, but they shall in no case exceed the amount of the nett profits actually acquired by the company, so that the capital stock shall never be thereby impaired, and if the said managers shall make any dividend which shall impair the capital stock of said institution, the managers consenting Liability of thereto, shall be liable in their individual capacity to said managers. company, for the amount of the stock so divided, and each manager present when such dividend is made, shall be adjudged to be consenting thereto, unless he forthwith enters

his protest on the minutes of the board, and give public notice to the stockholders, at the declaring of such dividend.

On completion of two miles or more toll may be charged.

Proviso.

This act to continue in force until 1856, and may be repealed at any time, &c.

Corporators of the Shamokin coal company.

General powers.
Seal.

Proviso.

2d Proviso.

SECTION 11. On the completion of a section of two miles or more of the railroad, all transportation on the same, of whatsoever nature or kind, or by whomsoever, shall be carried on and conducted under the superintendence and direction of said company, and it shall and may be lawful for the said company, to charge and receive for freight on, and for the transportation of coal, goods, wares and merchandise, at a rate not exceeding one and a-half cents per mile, for each and every ton weight thereof: *Provided further*, That whenever the dividends shall exceed six per cent. per annum, the said company shall pay a tax of eight per cent. on all such dividend above six per cent., into the treasury of the state, for the purposes of education:

SECTION 12. This act shall be and continue in force until the first Monday in December, in the year of our Lord, one thousand eight hundred and fifty-six, and no longer, and it shall and may be lawful for the legislature, at any time, in case of a breach of any of the provisions of this act, or if it should become hurtful and prejudicial to the interests of the citizens of this commonwealth, to repeal, alter or amend its provisions, and to resume the power and authority hereby granted.

SECTION 13. That James Hepburn, John C. Boyd, Lewis Dewart, Joseph M. Sanderson, William Boyd and Charles Mowry, and their associates, successors, and assigns, be and they are hereby constituted a body politic and corporate, by the name and style of "The Shamokin Coal company," for the purpose of mining of coal, and for the transacting the usual business of companies engaged in the mining, transporting to market, and selling of coal, and the other products of coal mines, and the said corporation, by the said name, is hereby declared and made capable in law to sue and be sued, plead and be impleaded, to have a common seal, and the same to alter and renew at pleasure, to make rules and by-laws for the regulation and management of said corporation, consistent with the laws of the United States and of this commonwealth, and generally, to do and execute for the well being of said company, whatever shall lawfully pertain to such bodies politic: *Provided*, That nothing herein contained, shall be considered as in any way giving to said company any banking or railroad privileges, but they shall be exclusively confined to the operations pertaining to the business aforesaid, according to the true intent and meaning of this act: *And Provided*, That each stockholder shall be liable in his individual capacity, for the debts, and performance of all contracts entered into by the said company, to the amount of the balance unpaid on the stock of the stockholder,

so that the whole capital stock of the company, whether paid in or not, shall be liable for said debts and contracts.

SECTION 14. The said company shall have the right to hold, either by purchase or lease, not exceeding three thousand acres of land, at any one time, in the county of Northumberland, in the commonwealth of Pennsylvania, and in no other county, and the same, or any part thereof, to sell or otherwise dispose of, as the interest of the company may require, *Provided*, That the said three thousand acres of land shall be in not more than three separate and distinct bodies: *Provided however*, That the company may hold above, such lot or lots of land, not exceeding three acres in any one place, as may be found convenient as places of deposit, in the transportation and sale of the products of their mines.

SECTION 15. The capital stock of said company shall consist of three hundred thousand dollars, and shall be divided into six thousand shares, of fifty dollars each, which capital shall not only be employed in the purchasing and holding the lands aforesaid, with the improvements, if any, thereon, and constructing such other improvements, buildings, cars, boats, engines, and machinery, as may be necessary or useful for the mining, transportation, and sale of coal, and in the payment of such salaries, wages, and other expenditures as shall be requisite for the aforesaid purposes of the company, and said stock shall be assignable and transferrable, according to such rules as the board of directors shall establish.

SECTION 16. When the above named James Hepburn, John C. Boyd, Lewis Dewart, Joseph M. Sanderson, William Boyd, and Charles Mowry, and their associates, shall have subscribed the whole number of shares aforesaid, and actually paid and expended not less than fifteen per cent. of the capital aforesaid, in purchasing land, and in such other investments as are authorized by this act, for the use of said company, the Governor, on due evidence thereof, shall, by letters patent, under his hand and the seal of the state, create and erect the said James Hepburn, John C. Boyd, Lewis Dewart, Joseph M. Sanderson, William Boyd, and Charles Mowry, and their associates, successors, and assigns, into one body corporate, by the name, style and title, of "The Shamokin Coal company."

SECTION 17. The affairs of the company shall be managed by five directors, to be chosen annually, from the stockholders; the first election shall be held in the city of Philadelphia, within thirty days after letters patent aforesaid shall have been issued, of which election, public notice shall be given, by three or more of the corporators named in the first section of this act, at least two weeks previously thereto, in two or more

Proviso.

daily newspapers printed in Philadelphia, and the subsequent elections shall be held annually, at such convenient time and place as the directors shall determine, of which thirty days previous notice, shall in like manner be given by the president of the company, or by any three of the directors: *Provided*, That in the event of a failure to hold such election, the former directors may continue in office for a period not exceeding six months, or until such election shall be held.

Election by ballot.

Ratio of votes

SECTION 18. The election for directors shall be held by ballot, and each stockholder shall be entitled to vote according to the number of shares held by said stockholder, in the proportion following, that is to say: for each share and not exceeding two shares, one vote; for every two shares above two and not exceeding ten shares, one vote; for every four shares above ten and not exceeding thirty, one vote; for every ten shares above thirty and not exceeding one hundred, one vote; for every twenty shares above one hundred, one vote; no share shall confer a right of voting, which shall have been transferred within three calendar months prior to the day of election, nor unless it be bona fide held or owned by the person in whose name it appears, in his own right, or that of his wife, or for his or her sole use and benefit; or as executor or administrator, trustee or guardian, or in the right, or for the use and benefit of some co-partnership, society, or corporation, of which he or she may be a member, and all votes by proxy, shall be on such terms and conditions as are prescribed by the act passed on the twenty-eighth day of March, one thousand eight hundred and twenty, entitled "An act to regulate proxies."

Proxies.

President to be chosen; also other officers and agents.

Vacancies.

Quorum.

SECTION 19. The directors shall, as soon as convenient after their election, choose one of their number as president, to serve for one year; they shall also have power to appoint, as occasion may require, all other officers and agents of the company, and to supply vacancies in the board, arising from death, resignation, or otherwise, until the next annual election; at all meetings of the board, three directors shall form a quorum to transact business.

Instalments on stock may be called in on 30 days notice.

SECTION 20. The directors may from time to time, call in, on thirty days notice thereof, in at least two daily papers printed in Philadelphia, and in at least one paper printed in the county of Northumberland, such instalments on the stock of the company as they may judge best, not exceeding twenty per cent. thereof, at any one time, and if any stockholder shall neglect to pay, at the time and place appointed, any instalment on his stock, so called in, for the space of thirty days after the period so designated for the payment thereof, the said stock, and the amount previously paid thereon, may be declared by the directors forfeited to the company, and disposed of as they shall prescribe.

Forfeiture for neglect.

SECTION 21. Dividends of so much of the profits of the Dividends company as shall appear to the directors advisable, shall be twice a year. declared twice a year, and paid to the stockholders, or their legal representatives, on demand, at any time after the expiration of ten days after having been declared, but said dividends shall in no case exceed the amount of the nett profits actually acquired by the company, so that the capital stock shall never thereby be impaired, and if any dividend shall be declared which shall impair the capital stock of said company, the Liability of directors consenting thereto, shall be liable in their individual directors. capacities to the said company, for the amount of the stock so divided, and each director present when such dividend shall be declared, shall be adjudged to be consenting thereto, unless he shall forthwith give public notice to the stockholders of the declaring of such dividend: *Provided*, That the said *Proviso*. company shall make annual returns to the Auditor General, on the oath or affirmation of the president or secretary, of the amount of dividend declared for the current year, and shall pay into the state treasury, a tax of eight per cent. on all such dividends, when they shall exceed six per cent. per annum.

SECTION 22. This act shall continue and be in force until This act to the thirty-first day of December, in the year of our Lord one be in force thousand eight hundred and fifty-seven, and it shall and may until Decem- be lawful for the legislature, at any time, in case of misuse ber, 1857, & or abuse of any of the privileges granted by this act, to amend may be re- or repeal any of the foregoing provisions, and to rescind the pealed at any powers hereby granted. time.

SECTION 23. Any legal process, served on any agent or *Service of le-* manager of said company, is hereby declared to be, to all gal process. intents and purposes, as valid as the same would have been if served on the president and directors thereof.

SECTION 24. That Cornelius Stevenson, Joseph Burden, Additional W. A. Martin, George F. Lehman, John F. Stump, William commiss'rs. Wallace, George W. Blight, Isaac Otis, H. J. Levis, Wil- to the Cold liam T. Smith, Joseph B. Mitchell, and Robert T. Conrad, Run tunnel and railroad Joseph C. Barden, Joseph B. Haines, Franklin Vansant, be company. added to the commissioners named in the first section of the act entitled "An act to incorporate the Tuscarora and Cold Run tunnel and railroad company," passed the sixth day of April, Anno Domini, one thousand eight hundred and thirty, Capital stock and that the capital stock of the said company shall consist 6000 shares of six thousand shares, of fifty dollars each; and as an at \$50 each. inducement to the speedy completion of the tunnel and rail- road through the Sharp mountain, which the said company are Right to hold authorized to construct, the said company shall be, and they 2000 acres of are hereby authorized, to hold any quantity of land in the land.

vicinity of the line of their said railroad and tunnel, not exceeding two thousand acres.

NER MIDDLESWARTH,
Speaker of the House of Representatives

THOMAS S. CUNNINGHAM,
Speaker of the Senate

APPROVED—The fifteenth day of June, A. D. eighteen hundred and thirty-six.

JOS: RITNER.

No. 180.

An Act

Authorizing the Governor to incorporate the Huntingdon and Chambersburg Railroad company.

Commissioners. SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That William Orbison, sen., Peter Swoope, jr., James M. Bell, William Williams, Matthew Wilson, sen., John Ashman, John Lutz, John Long, William Pymon, Samuel Findlay, John Blair, General Samuel Dunn, Thomas G. M'Culloch, Nathaniel Kelley, Dr. Jacob Hoffman, Jacob Miller, Benjamin Elliott, Kinsey L. Green, Abraham Wright, Caleb Greenland, John Stever, William M'Gee, James Entriken, Nathaniel Greenland, Eliza Corbui, Esq., George Hudson, John Parks, George M'Culloch, William H. Keating, William S. Spackman, John Price Wetherill, Joseph M'Ilvaine, Henry White, James M'Murtrie, Simon Gratz, Bela Badger, Dr. John A. Elkinton, John Townsend Smith, of Philadelphia, and John M'Cahan, Jacob Africa, Dr. John Henderson, Robert Allison, Henry L. M'Connell, William Steel, sen., Patrick Given, Martin Graffias, and John Simpson, of Huntingdon, Thomas Carson, John D. Work, David Fullerton, and James Dunlop, of Franklin county, be and they are hereby appointed commissioners to do and perform the several things hereinafter mentioned, that is to say: they, or any five of them, shall

e a sufficient number of suitable books, and in each of To procure
 enter as follows, viz: "We and each of us whose names books.
 reunto subscribed, do promise to pay to the directors Form of sub-
 Huntingdon and Chambersburg railroad company, the scription.
 fifty dollars for every share of stock set opposite to
 spective names, and by us respectively subscribed, in
 manner and proportions, and at such times and places
 l be determined and directed by the said directors,
 suance of an act entitled 'An act authorizing the
 nor to incorporate the Huntingdon and Chambersburg
 d company;' Witness our hands, the day of
 , Anno Domini, one thousand eight hundred and
 ;" and shall thereupon, give at least twenty days
 us notice, in three newspapers printed in the county Notice.
 ntington, and in three newspapers printed in the
 y of Franklin, and in two or more of the daily papers
 d in the city of Philadelphia, of the times when, and
 aces where some one or more of the aforesaid commis-
 s will attend, and receive subscriptions from all per- Who may
 f lawful age who shall offer to subscribe in said books, subscribe.
 shall be kept open for the purpose aforesaid, at least
 urs in every juridical day, for the space of six days, or
 there shall be subscribed in the said books two thousand
 , and if at the expiration of six days, the books afore-
 shall not have the number of shares aforesaid therein
 ribed, then the said commissioners, at their discretion,
 adjourn from time to time, and transfer the books else-
 e, until the whole number of shares aforesaid shall be
 ribed, of which adjournment and transfer, the commis-
 s aforesaid shall give such public notice as the occasion
 seem to require, but no subscription shall be valid, \$5 to be paid
 s the person so subscribing, shall pay to the said com-at the time of
 oners, at the time of making the same, the sum of five subscribing.
 s on each share, for the use of the company.
 RTION 2. When two thousand shares or more shall be When letters
 ly subscribed, and five dollars on each share paid to patent shall
 ommissioners, the said commissioners, or a majority of issue.
 shall certify the same, under oath or affirmation, to the
 nor of this commonwealth, and on the receipt of such-
 cate, the Governor shall, by letters patent, under his
 and the seal of the commonwealth, create and erect
 bscribers, and if the subscription be not full at the
 then those also who shall thereafter subscribe to the-
 number of shares aforesaid, into a body corporate and
 c, in deed and in law, by the name, style and title of Name, style
 e Huntingdon and Chambersburg railroad company," and title.
 y the same name the subscribers shall have perpetual
 ssion, and all the privileges, franchises and immunities Privileges &
 ent to a corporation, may sue and be sued, implead and powers.
 ppleaded, in all courts of record and elsewhere, may

Seal.

Proviso.

Organization
of the comp'y

Proviso.

Right of suf-
frage.

purchase, receive, have, hold and enjoy, to them, their
cessors and assigns, lands, tenements and hereditaments
goods, chattels, and all estates, real, personal, or mixed
what kind or quality soever, and the same from time to time
may sell, mortgage, grant, alien and dispose of, and may
dividends of such portions of the profits as they may deem
proper, and also may make and have a common seal.
the same alter or renew at pleasure, and generally to do
and singular, the matters and things which to them it shall
lawfully appertain to do for the well being of the said
poration, and the due management and ordering of the affairs
and business of the same: *Provided*, That nothing herein
contained shall be so considered and construed, as giving
the said corporation any banking privileges, or any other
liberties, privileges, or franchises, but such as may be neces-
sary or incident to the making and maintaining the
railroad, and to the conveyance of passengers, and
transportation of goods, merchandise and commodities
thereon.

SECTION 3. For the management of the affairs of the
corporation, nine directors shall be elected, by ballot
annually, by the stockholders of the said company, the vote
to be delivered in person, or by proxy duly authorized,
which directors shall appoint one of their own number
president, and shall respectively serve one year, or until
other directors be elected, and shall have power to make
such by-laws, rules, orders and regulations, not inconsistent
with the constitution and laws of the United States and
this commonwealth, as may be necessary for the well man-
aging of the affairs of the said company: *Provided*, That
but stockholders shall be eligible to be elected directors,
that every such election, and in all other cases in which
stockholders shall be called upon to vote, each share of stock
shall be entitled to one vote, and also, that in all cases
elections for directors, the nine stockholders having
greatest number of votes, shall be declared duly elected.

SECTION 4. No share of stock shall be entitled to a
of suffrage, which shall not have been held three calendar
months prior to the day of election, nor unless it shall
held by the person in whose name it appears, absolutely
bona fide, to his own right, or in that of his wife, or for
or her sole use and benefit, or as executor or administrator,
trustee or guardian, or in the right and for the use and
benefit of some copartnership, corporation, or society
which he or she may be a member, and not in trust for
use and benefit of any other person; that no share or shares
held by transfer, shall be entitled to vote, unless the same
shall have been transferred at least three months before
election, and no share or shares shall be entitled to vote
any election, or at any general or special meeting.

company, on which any instalment or arrearages, may
 been due and payable more than twenty days previ-
 to the said election or meeting; and that all votes by
 , shall be upon such terms and conditions as are pre- Proxies.
 ed by the act passed the twenty-eighth day of March,
 year one thousand eight hundred and twenty, entitled
 act to regulate proxies:" *Provided*, That all proxies Proviso.
 be dated within sixty days of the election at which
 me shall be presented.

SECTION 5. The aforesaid commissioners, or a majority of Notice of the
 shall, as soon as practicable after the said letters time and
 t shall have been obtained, give at least fifteen days place of hold-
 ous public notice, in the newspapers hereinbefore men- ing first elec-
 l, of the time and place by them appointed for the tion.
 bers or stockholders to meet, for the purpose of elect-
 ne directors, as provided for in the preceding sections,
 at annually thereafter, the said stockholders shall
 on the second Monday in January, for the purpose of Annual elec-
 ng directors, as aforesaid, upon a like previous notice, tion.
 e given by the directors for the time being, in such
 papers as they may deem advisable: *Provided*, That Proviso.
 m any cause, such election shall not be held at the
 specified therefor, the same may be held at any other
 on notice as aforesaid; that until such election be held,
 directors of the preceding year shall continue to act,
 at this charter shall not be avoided by reason of the
 arity or want of such election: *And provided also*, 2d Proviso.
 in case of any vacancy, from death, or resignation
 r director, his place shall be filled by the board of
 ors.

SECTION 6. The said directors shall meet at such times Meetings of
 places, and be convened in such manner, as they may the directors.
 ter agree upon: five directors shall be a quorum for Quorum.
 ansaction of business, who, in the absence of the presi-
 may appoint a president pro tempore; the said directors
 appoint a secretary, treasurer, and such engineers and Powers of the
 officers as they may find necessary; shall fix their directors.
 ensation, and may demand adequate security for the
 mance of their respective trusts; they shall have full
 to ascertain and decide the time, manner and propor-
 n which the stockholders shall pay the money due on
 respective share, and to forfeit to the use of the com-
 the share or shares of every person failing to pay any
 ment so required; to regulate tolls, to make such
 ants, contracts and agreement, with any person, co-
 ership, or body politic whatsoever, as the execution
 management of the works, and the convenience and
 sts of the company may require, and in general, to
 ntend and direct all receipts, disbursements, and
 affairs and proceedings of the company.

Certificates of stock.

SECTION 7. The directors first chosen as aforesaid issue a certificate to each stockholder, for the number of shares he or she shall subscribe for or hold in said corporation, signed by the president, countersigned by the treasurer, and sealed with their common seal, subject however, to the payment of such payments due and to grow due thereon, which stock is not transferrable in person or by attorney, executor, administrators, guardians, or trustees, under such regulations as may be provided by the by-laws.

Annual statement of affairs.

SECTION 8. At each annual meeting of the stockholders the directors of and preceding year shall exhibit to the stockholders a complete statement of the affairs and proceedings of the company for such year, and that special meetings of the stockholders may be called, by order of the directors, stockholders holding one fourth in amount of the stock, on like notice as that required for annual meeting, specifying moreover, the object of the meeting, and the business shall be transacted at such special meeting, a majority in value of the stockholders shall attend, in person or by proxy.

Location and route.

SECTION 9. The said company be and they are authorized, as soon as they conveniently can, to locate and construct a railroad, of one or more tracks, from a point within the borough of Huntingdon, in the county of Huntingdon, by the shortest and best route, to a point at or near the town of Loudon, in the county of Franklin, and to make, construct, and erect such depots, houses, carriages, cars, and all other works and appliances necessary for the convenience of the said company in the use of the said railroad.

Comp'y. may enter upon any lands, possess and use the same on certain conditions.

SECTION 10. It shall and may be lawful for the said company, their officers, engineers and agents, to enter upon any lands for the purpose of exploring, surveying, and locating the route of the said railroad, doing the same without unnecessary damages, and when the said route shall be determined by the said company, it shall be lawful for the said company, their agents, officers, engineers, contractors and servants, at any time to enter upon, take possession of, and use such lands, and also, to take from any land in the neighborhood of said railroad, gravel, stone, wood and all other materials for the purpose of constructing or maintaining said railroad, subject however, to such compensation as the said company may have agreed to pay therefor, as shall be ascertained in the manner hereinafter respectively directed.

Mode of valuing the land occupied and all damages sustained by the owner.

SECTION 11. When the said company cannot agree with the owner or owners of such required land, for the purchase thereof, or where, by reason of legal incapacity, or of any such owner or owners, no such agreement can be made, the court of Common Pleas for the county, on application thereto by or on behalf of either

and at the costs and charges of said company, shall nominate and appoint twelve discreet and disinterested persons of the said county, and shall issue a precept to the sheriff of the said county, to summon the said twelve persons to meet on the land so required, or from whence the said materials shall or may be taken, at a day to be expressed in the warrant, not less than ten nor more than twenty days thereafter, and the sheriff, upon receiving the said warrant, shall forthwith summon the said twelve persons, and shall give at least eight days notice to the respective parties, and the said sheriff shall attend at the time and place named in the warrant, and when nine or more of the said persons shall have appeared, shall, in the case of land so required, administer to each of them an oath or affirmation, that "he will faithfully, justly, and impartially value the land occupied or required for such railroad or other works, and all damage which the owner or owners shall sustain, or may have sustained, by reason of the construction of the said railroad and other works, taking into consideration the advantages, as well as the disadvantages of the same to the said owner or owners, according to the best of his skill and judgment, and in the case of materials taken for the purpose aforesaid, that he will faithfully, justly, and impartially value the materials so taken, and fix the rate of compensation to be paid therefor by the said company, to the said owner or owners, taking into consideration the advantages, as well as the disadvantages arising from the construction of such railroad and other works, to the said owner or owners, according to the best of his skill and judgment; whereupon, the said persons shall proceed to view the land so required, or the place from whence such materials shall or may be taken, as the case may be, and to hear the evidence of the respective parties, and their verdict, signed by the sheriff, and at least seven of the jury, shall be returned by the sheriff, within five days thereafter, to the prothonotary of the said county, who shall file the same, and the said sheriff and persons shall be entitled to the like fees for their respective services, as are allowed to the execution of an order issued by the Orphans court, for the valuation of lands of an intestate, under the intestate laws of this commonwealth.

SECTION 12. Either party shall be at liberty to make exceptions to any verdict rendered according to the provisions of the preceding sections, within twenty days after the same shall be returned and filed by the prothonotary, as aforesaid, which exceptions shall be heard by the court of Common Pleas of the proper county, who may either affirm or set aside the same, as shall be lawful and right, and if no such exceptions be filed within twenty days, or if any verdict be affirmed, then the verdict shall stand as a judgement against the party against whom it is given, but if any such verdict be set aside

Right to
make excep-
tions to any
verdict.

Proviso.

by the court, a new precept shall issue to the sheriff, in the manner before specified: *Provided*, That upon the subsequent proceedings, if the party excepting does not recover a verdict more favourable than the verdict so excepted to and set aside, such party shall pay all costs of such subsequent proceedings.

**Passages
across the
railroad.**

SECTION 13. It shall be the duty of the said company to construct and keep in repair, good and sufficient passages across the said railroad, where any public road shall intersect and cross the same, so that the passage of carriages, horses, persons, and cattle along the said roads, shall not be obstructed, and also, when the said railroad shall intersect any farm, to provide and keep in repair a suitable passage, for the use of said farm.

Tolls.

Proviso.

SECTION 14. On the completion of the said railroad, or any part thereof, the same shall be esteemed a public highway, for the conveyance of passengers, and transportation of merchandise and commodities, under such regulations as shall be prescribed by the directors, and it shall and may be lawful for the said company, to demand and receive such sum or sums of money for tolls, of persons and property, as they shall from time to time think reasonable: *Provided*, That the toll on any species of property shall not exceed six cents per ton per mile, nor upon passengers more than four cents each per mile.

**Penalty for
defrauding
the company.**

SECTION 15. If any owner or driver of any car, carriage, wagon, or conveyance, upon the said railroad, shall pass by any place appointed for receiving tolls, without making payment thereof, with intent to defraud the said company, he, she, or they so offending, shall forfeit and pay for every such offence, for the use of said company, the sum of twenty dollars, to be sued for and recovered by action of debt, before any justice of the peace, in like manner, and subject to the same rules and regulations, as debts under one hundred dollars may be sued for and recovered, together with costs of suit.

**Dividends
twice a year.**

SECTION 16. Dividends of so much of the profits of the company as shall appear advisable to the directors, shall be declared at least twice a year, and paid to the stockholders, or their legal representatives, on demand, at any time after the expiration of ten days therefrom, but they shall in no case exceed the amount of nett profits actually acquired by the company, so that the capital stock shall never be thereby impaired, and if the said directors shall make any dividends which may impair the capital stock of the said company, those of them consenting thereto, shall be liable in their individual capacities to the said company, for the amount of stock so divided, and each director present when such dividend shall be made, shall be adjudged to be consenting thereto, unless he forthwith enter his protest on the minutes of the board, and give public notice thereof to the stock-

**Liability of
directors.**

holders, at the declaring such dividend; that the president Annual state-
or secretary of the aforesaid company, annually, on the first ment to Aud-
Monday in December, shall transmit to the Auditor General itor General.
a full statement of the affairs of said company, under oath,
and shall pay annually into the treasury of the commonwealth,
a tax of eight per centum on all dividends, when they exceed
six per centum on the capital stock actually paid in.

SECTION 17. No suit or action shall be brought or pros-Time of
ecuted by any person or persons, for any penalties incurred bringing suit
under this act, unless such suit or action shall be commenced for penalties.
within one year next after the offence shall have been
committed, or the cause of action shall have accrued, and
the defendant or defendants in such suit or action, may
plead the general issue, and give this act and the special
matter in evidence, and that the same was done in pursuance
and by authority of this act.

SECTION 18. If any person or persons shall wilfully and Penalty for
knowingly break, injure, or destroy the railroad, or any part injuring any
thereof, or any work, edifice or device, or any part thereof, part of the
to be erected by the said company in pursuance of this act, work.
or shall in any manner obstruct the free passage along the
said railroad, he, she, or they, shall forfeit and pay to the said
company three times the actual damage thereby sustained, to
be sued for and recovered, with costs of suit, in any court
having cognizance thereof, by action of debt, in the name,
and for the use of the company.

SECTION 19. If the said company shall not commence the Time of com-
construction of said railroad, within the term of six years mencing and
from the passage of this act, or if said company shall not of comple-
complete the said railroad within the term of ten years from ting the road
its actual commencement, or if after the completion of the
said railroad, said corporation shall suffer the same to go to Charter an-
decay, and be impassable for the term of two years, then nulled if road
this charter shall be null and void, except so far as compels be suffered to
said company to make reparation for damages. decay, &c.

SECTION 20. If any increase of the capital stock be deemed Capital stock
necessary by the stockholders, to complete the said railroad, or may be in-
to lay another track, it may be lawful for the said president, creased to
managers and company, at a stated or special meeting, 10,000 shares
convened for the purpose, to increase the number of shares,
so that they shall not in the whole exceed ten thousand,
and to receive and demand the monies for shares so sub-
scribed, in like manner, and under like penalties, as are
hereinbefore provided for the original subscription, or shall
be provided for by their by-laws.

SECTION 21. If at any time said company shall misuse or Powers and
abuse any of the privileges hereby granted, the legislature rights reser-
may resume all and singular, the rights and privileges hereby ved by the le-
gislature.

granted to said company; and the legislature reserves the right to reduce and regulate the tolls hereby authorized; and the legislature also reserves the right for the purchase by the state, of the right, title and interest of the said company, in the said railroad, with the appurtenances, at any time after thirty years from the passage of this act, by paying to said company a sum of money which, together with the dividends declared, shall equal the costs and expenses of said railroad, with an interest of eight per cent. per annum thereon.

The Danville and Pottsville railroad co. authorized to increase their capital stock to \$1400,000. SECTION 22. That the Danville and Pottsville railroad company be, and they are hereby authorized to increase their capital stock, to an amount not exceeding in the whole fourteen hundred thousand dollars, and that the proviso for completing the road and improvements of said company, be extended to the fourteenth day of April, one thousand eight hundred and forty-three.

Authority to accept money on loan, upon pledge of their capital stock. SECTION 23. That the said company be, and they are hereby authorized and empowered, to accept from the corporation of the city of Philadelphia, or from any person or persons, or body corporate, any sum or sums of money, or loan, upon pledge of any part of their capital stock, not heretofore pledged to the commonwealth, or otherwise disposed of, to an amount not exceeding six hundred thousand dollars: *Provided*, That nothing in this act shall be so construed, as to effect the claim of the state upon such portion of the road, the income and receipts of which, are pledged to meet the guarantee made by the state.

Corporators of the Sharon bridge company. SECTION 24. That David Marquis, Ovid Pinney, Andrew Purdy, John Carothers, John Dickey, Jeremiah Bannon, Thomas McClelland, Robert Darragh, John T. Miller, Thomas Thornley, E. K. Chamberlin, and such other persons as may be associated with them, after the passing of this act, for the purpose of erecting a bridge over the Big Beaver river, at or near where the state road from Beaver to Mercer crosses the same, opposite the village of Sharon, Beaver county, shall be, and are hereby declared to be one body politic and corporate, in deed and in law, by the name and style of the "Sharon Bridge company," and by the same name shall have perpetual succession, and all privileges and franchises incident to a corporation, and shall be capable of taking and holding their capital stock, and increase and profits thereof, and of enlarging the same from time to time by new subscriptions, in such manner and form as they shall think proper, if such enlargement shall be found necessary to fulfil the intent of this act, and of suing and being sued, and of doing all and every other matter and thing which a corporation or body politic may lawfully do.

Capital stock \$20,000. SECTION 25. The capital stock of the said company shall be twenty thousand dollars, divided into shares of twenty-

five dollars each; and the said company shall have all the ~~Shares \$25~~ powers, and authority, and privileges granted, and be subject ~~each.~~ to all the restrictions imposed by the act entitled "An act ~~Act of 23d~~ to incorporate a company to build a bridge over the Big ~~March, 1836,~~ Beaver creek, at Fallston, in Beaver county," passed the ~~extended to~~ twenty-third day of March, eighteen hundred and thirty-~~this comp'y.~~ six.

SECTION 26. That the town council of the borough of ~~Town Coun.~~ Norristown be, and the same is hereby authorized and ~~cil of Norris-~~ empowered, to enact any ordinance which they may deem ~~town empow-~~ necessary for the regulation and grading of the roads, ~~ered to regu-~~ streets, lanes, and alleys, laid out, or which may hereafter ~~late the~~ be laid out, according to law, within the limits of said ~~streets, lanes~~ borough, and they are also hereby authorized and empow- ~~and alleys in~~ ered, to enact, ordain, and make rules and regulations, requiring the owner or owners of lots, lying and being in the borough aforesaid, to set up and erect curb stones, or walls, along the roads, streets, lanes, and alleys, at the edge of the side walks, in front and opposite their respective lots, at the proper cost of such owner or owners respectively, in such manner, and at such time as may be directed ~~Ridge turn-~~ by ordinances passed for such purpose, and the same to ~~pike road~~ keep in good repair; and the Ridge turnpike company shall ~~company to~~ pave the gutters along the main street of the borough, occu- ~~conform to~~ pied by them, and conform to the regulations adopted by ~~the regula-~~ the town council in making, repairing and grading their ~~council.~~ road, through said borough.

SECTION 27. That the corporation of said borough be, and ~~Mark't-house~~ they are hereby authorized, to erect a market house, upon the lot of ground now enclosed with a board fence, situate and lying between Swedes' street and ~~alley,~~ and Penn street and the jail yard, in said borough, and regulate and grade said lot of ground, as may be deemed advisable: *Provided,* The said market house shall be built as far from ~~Proviso.~~ the court house, on Penn street, as the nature of the ground will admit, and thenceforth the said lot shall remain open, and the market house shall be for the use and accommodation of all persons who may wish to sell, or bring produce or marketing thereat, under such rules and regulations, as the town council may from time to time establish.

SECTION 28. That for the purpose of opening and grading ~~Corporation~~ the streets, lanes, and alleys, laid out and to be laid out in ~~authorized to~~ the borough aforesaid, and the erecting of a market house, ~~borrow \$10-~~ the corporation of said borough, is hereby authorized and ~~000.~~ empowered to borrow any sum of money not exceeding ten thousand dollars, upon the faith and credit of said borough, and to apply so much of the taxes raised upon said borough, as may be necessary, for the payment of the interest, and gradual extinction of the debt thus created, as from time to time may be deemed expedient.

SECTION 29. That in case the owner or owners of any lot or lots in said borough, shall refuse or neglect to erect and put up any curb stones, or wall along the road, streets, lanes, or alleys, at the edge of the side walks, in front and opposite their respective lots, or to pave such side walks, in such manner, and at such times as may be required by any ordinance of said borough, it shall be lawful for the town council to purchase and procure materials for such curbing, walling and paving, and cause the same to be put up, erected, and made, at the proper cost and expense of said owner or owners, and if necessary, they are hereby authorized, from time to time to borrow money for said purpose, and on completion of said curbing, walling and paving, or within six months thereafter, may file a claim, in the prothonotary's office of Montgomery county, for the amount of the materials furnished and used, work done, and expense incurred in putting up such curbstone or walls, and making such pavement, together with such additional charges, not exceeding ten per cent. thereon, which claim shall be certified by the president of the town council, under the seal of the corporation, attested by the town clerk; and such claim shall be paid before any other lien which commenced subsequent to furnishing such materials, or performing such work, and remain a lien on such lot, and a personal charge against the owner thereof till paid, and execution may issue in favour of the burgess and town council of the borough of Norristown, for the amount of the claim filed, with interest, against such lot, and the owner thereof, at any time after the expiration of sixty days after filing the claim, in the same manner as on a judgment obtained against such lot or lots, or the owner or owners thereof, and the amount of such claim may be recovered by the burgess and town council, by personal action against the owner or owners of any such lot or lots, or by scire facias, at the option of said town council, as is provided for the recovery of mechanics liens, under the act passed the seventeenth of March, eighteen hundred and six, and the several supplements thereto, and in all cases, the certificate of the president, under the corporate seal, attested by the town clerk, shall be conclusive evidence of the amount of the claim for materials furnished and used, and for work done, and costs and charges incurred in putting up and erecting curb stones, walls, and making pavements, as aforesaid.

When owners of lots refuse to pave &c., borough authorities may do it at the expense of said owners.

Expense of paving, etc., to be a lien on said lot or lots.

How such claim may be recovered.

North American Academy of the Tomopah Healing

SECTION 30. That Constantine Hering, the present president, John Romig, junior, the present vice president, William Wessalhaeft, Eberhard Frietag, Henry Dettweiler, C. Becker, John Rice, Christian Pretz, Joseph Saeger, George Keck, the present directors, Adolphus Bauer, the present secretary, Solomon Keck, the present treasurer, and Philip H. Goepp, Henry Ebner, J. V. R. Hunter, William

Eckert, and John J. Krause, together with all such other persons as are at present stockholders, and such as shall hereafter become stockholders, agreeably to the constitution and fundamental articles thereof, be and they hereby are incorporated in a society, by the name, style and title of the "North American Academy of the Homœopathic Healing Art," and by that name shall have all the rights, powers and privileges incident by law to a corporation.

SECTION 31. The said corporation and their successors, *Privileges & liabilities.* by the name, style and title aforesaid, for a term of twenty years, shall be able and capable in law to purchase, have, receive, take, hold and enjoy, in fee simple, or for a less estate or estates, any lands, tenements, rents, annuities, liberties, franchises, and other hereditaments, by the gift, grant, bargain, sale, alienation, enfeoffment, release, confirmation, or devise, of any person or persons, bodies politic, and corporate, capable and able to make the same, and further, that the said corporation and their successors, may take and receive any sum or sums of money, goods and chattles, that have been, or hereafter shall be given or bequeathed to them, by any person or persons, bodies politic or corporate, able and capable to make a bequest or gift thereof: *Provided*, That no misnomer of the said corporation and successors, shall defeat or annul any gift, grant, devise, or bequest to the said corporation, if the intent of the doner shall sufficiently appear upon the face of the gift, testament, or other writing, whereby any estate or interest was intended to pass to the said corporation.

SECTION 32. The said corporation and their successors, *Seal.* shall have full power and authority to make, have, and use one common seal, with such devise and inscription as they shall think proper, and the same to break, alter and renew at their pleasure.

SECTION 33. The said society shall have power to make *Power to* by-laws, as well as carry into effect the provisions herein *make by-laws* contained, as for the effectual and convenient conduct of the affairs of the society: *Provided*, The same shall not be *Provided.* contrary to the constitution and laws of the United States, and this commonwealth.

SECTION 34. *Provided*, That the lands, tenements, rents, *Yearly in-* annuities, and other property held by the said corporation, come not to shall at no time exceed the clear yearly value of two *exceed 2000* thousand dollars: *And provided*, That the legislature may *dollars.* alter or repeal this act, at any time when the public inter- *Legislature* ests may require the same, and that the said corporation may repeal. shall not have or exercise any other privileges than such as may be necessary for the education of medical practitioners.

SECTION 35. That from and after the passage of this act, *Borough of* it may be lawful for the burgess and town council of the *Kittanning.* borough of Kittanning, in the county of Armstrong, or a

Burgess and
council may
appoint high
constable,

majority of them, in case the person elected high constable of said borough shall refuse to give bond, and perform the duties enjoined on him by an act, entitled "An act erecting the town of Kittanning, in the county of Armstrong, into a borough," approved the second day of April, eighteen hundred and twenty-one, shall have power to appoint some reputable citizen of said borough, who, upon giving bond, with approved sureties, shall be considered high constable of said borough, to all intents and purposes, as if he had been elected by the citizens.

NER MIDDLESWARTH,

Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,

Speaker of the Senate.

APPROVED—The sixteenth day of June, A. D. one thousand eight hundred and thirty-six.

JOS: RITNER.

No. 181.

An Act

Authorizing John Gamber of Dauphin county, to construct a canal or slip from the Pennsylvania canal to his furnace, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That John Gamber, of the township of Londonderry, in the county of Dauphin, be and he is hereby authorized to dig and construct a canal or slip from a point on the Pennsylvania canal, near to the east end of the aqueduct over Swatara creek, at Portroyal, in the county aforesaid, to his furnace, being a distance of between three and four hundred yards.

Dimensions
of canal and
basin.

SECTION 2. The said canal shall not exceed thirty-two feet in width at the bottom, except at the end next the furnace, where the breadth may be extended so as to form a basin of one hundred feet square, the slope of the banks to be such as will increase the breadth one foot in every

perpendicular foot of depth: *Provided*, That the connection ^{Proviso.} with the Pennsylvania canal, shall be constructed in conformity with the directions of the Canal Commissioners, and at such place as they may designate.

SECTION 3. The said John Gamber, or his superintendents, ^{Power to en-} engineers, artists and workmen, shall have power and ^{tor in and up-} authority to enter in and upon, and occupy, all land on ^{on, and occu-} which the said canal or slip may be located, or which may ^{py all lands} be necessary in the construction and repairs of the said ^{necessary in} canal, and therein to dig and embank, make and construct ^{the construc-} the same, and the said John Gamber shall pay, or satisfy ^{tion and re-} the owner or owners of the ground so taken and occupied as ^{pairs of said} aforesaid, but if the parties cannot agree upon the compen- ^{canal.} sation to be made to such owner or owners, it shall and may ^{Mode of as-} be lawful for the parties to appoint five suitable, judicious ^{certaining} and disinterested persons of the county of Dauphin, who ^{damages and} shall be under oath or affirmation, and if they cannot agree ^{making com-} upon such persons, then either of the parties, after giving ^{pensation.} twenty days notice to the other, may apply to the court of Common Pleas of Dauphin county, and the court shall award a venire, directed to the sheriff, to summon a jury of judicious and disinterested persons from the said county, in order to ascertain and report to the said court what damages, if any, have been sustained by the owner or owners of said ground, by reason of the construction of said canal or slip through the same, which said jury of valuers, being duly sworn or affirmed, and having viewed the premises, shall proceed to estimate the quantity or quality of the land occupied by the said canal, and all other inconveniences which may be likely to result therefrom to the said land, and under the influence of these considerations, and a just regard to the advantages which may seem likely to result to the owner or owners of said land, from the opening of said canal through the same, to make their assessment, and report to the court, which report being confirmed by the said court, judgment shall be entered thereon, and execution may issue in case of non-payment for the sum awarded, and the expenses incurred by the appraisers or jury, shall be defrayed by the said John Gamber: *Provided*, That either ^{Proviso.} party may appeal to the court, within thirty days after such report may have been filed in the prothonotary's office of said county, in the same manner as appeals are allowed in other cases: *And provided also*, That if any person or per- ^{2d Proviso.} sons owning land, or any other property which shall be affected by this act, be *feme covert*, under age, non compos mentis, or out of the state, then, or in either of the cases, the said John Gamber, at his own proper cost and charges, shall, within one year after the construction of the said canal through the said land, represent the same to the court of Common Pleas for the county of Dauphin, who shall proceed

thereon in the same manner, and to the same effect, as directed by this act in other cases.

Bridges to be built across canal and kept in repair.

Penalty for neglect.

SECTION 4. If the said canal or slip shall be constructed across any public road or highway, the said John Gamber shall, in all such cases, make, or cause to be made, as soon as conveniently may be, a good and sufficient bridge or bridges, to enable all persons passing or traveling such public road or highway, to cross and pass over said canal, and if he shall neglect or refuse to keep such bridge or bridges in good repair, he shall be liable to a penalty of ten dollars for every day the same shall be so neglected, or refused to be repaired, to be recovered by the supervisors of the township, with costs, for the use of the township, as debts of like amount are by law recoverable, and shall moreover, be liable to all the actions, at the suit of any person who may be aggrieved thereby.

Banks of canal to be kept in repair.

Penalty for neglect.

SECTION 5. The said John Gamber shall keep the banks of the said canal or slip in good repair, so as to prevent any leakage or waste of water, and in case of neglect or refusal so to do, the Canal Commissioners may at any time, cause the connexion of the said slip with the Pennsylvania canal to be closed, to prevent such leakage and waste of water.

No water to be used for any other purpose than navigation.

SECTION 6. The said John Gamber shall not at any time, draw off or let off any of the water out of said slip, for the purpose of driving any water works, nor shall he use the said water for any other purpose than that of navigating the same with boats to and from his furnace to the Pennsylvania canal, according to the true intent and meaning of this act.

Penalty for injuring said canal or slip.

SECTION 7. If any person shall wilfully and knowingly injure or destroy the banks of said canal or slip hereby authorized, or any part thereof, he, she or they, shall forfeit and pay to the said John Gamber, double the amount of the actual damages so sustained, to be sued for and recovered with full costs, before any tribunal having cognizance thereof, by action, in the name and for the use of the said John Gamber, his heirs or assigns.

Corporators of the Northampton and Luzerne coal comp'y.

SECTION 8. Thomas Reeves, Jr., Henry C. Carey, Isaac Lea, and Robert Earp, and their associates, successors, and assigns, are hereby constituted a body politic and corporate, by the name and style of the Northampton and Luzerne coal company, and the said company shall possess and enjoy all the powers, privileges and immunities, and be subject to the restrictions, terms and conditions provided in an act entitled "An act to incorporate the Hazleton coal company," passed on the eighteenth day of March, A. D. eighteen hundred and thirty-six: *Provided*, That the lands of said company shall not exceed two thousand acres, and shall all lie within the counties of Luzerne and Northampton, in Pennsylvania, and that its capital shall not exceed one hundred and fifty thousand dollars; said land not to consist of more than two

Act of March 18th, 1836, extended to this company

distinct bodies: *Provided*, That the said Northampton and Luzerne coal company, shall make an annual return, on the oath of the president or secretary of said company, of the

amount of dividends, and they shall pay into the state treasury, a tax of eight per cent. on all dividends, when they shall make dividends exceeding six per cent. per annum:

Provided, That nothing contained in this section, shall be so construed as to prevent said Northampton and Luzerne coal company increasing their capital stock, in an amount not exceeding one hundred thousand dollars, for the purpose of

constructing a railroad or railroads, with one or more tracks, from any point on their lands, to intersect the Beaver Meadow or Hazleton railroad, or Lehigh canal, or either, at such place or places as they may deem most expedient: *And provided*

further, That said Northampton and Luzerne coal company, may hold such lot or lots of land, not exceeding five acres in any one place, as may be convenient for the purpose of a depot, and for vending the products of their mines, and that no railroad or other improvement shall be so located by said company, as to interfere with the location or use of the railroad, or other improvements authorized to be constructed by the Hazleton coal company, or any other incorporated company, but said Northampton and Luzerne coal company, may intersect said Hazleton railroad.

4th Proviso as to holding lots of land for depots, etc.

SECTION 9. That Robert Falconer, Guy C. Irvine, Corporators Zachariah Eddy, Thomas Struthers, Archibald Tanner, of the Warren bridge company, Laasing Wetmore, Abraham Hazletine, Carlton B. Curtis, Thomas Martin, and Henry Sargent, and their associates,

are hereby incorporated into a company, in the name of "The Warren Bridge company," of a stock of four hundred shares at 25 shares, of twenty-five dollars each, to construct a bridge over the Allegheny river, at or near Warren, subject to all the provisions and restrictions of an act passed the seventh day of April, eighteen hundred and thirty-five, entitled "An act to incorporate the Lumberville and Delaware bridge company."

Stock—400 shares at 25 dollars each.

Act of 7th April, 1835, extended to this company.

SECTION 10. That the fourth article of the third section of an act entitled "An act to recharter certain banks," passed the twenty-fifth day of March, eighteen hundred and twenty-four, directing the mode of voting for directors, be extended to the Philadelphia Savings institution, and that hereafter stockholders shall be eligible for directors, and any depositor of six months standing, shall be entitled to one vote for every hundred dollars he or she shall have in the institution: *Part of the act of 25th March, 1835, extended to the Philad. savings institution.*

Proviso.

Proviso.

2d Proviso. of the institution: *And provided*, That the election for directors shall be held on the second Monday in January next, and annually thereafter.

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The sixteenth day of June, Anno Domini, one thousand eight hundred and thirty-six.

JOS: RITNER.



No. 182.

An Act

Supplementary to the various acts relating to Orphans' and Registers courts, and executors and administrators, and the act relating to the measurement of grain, salt, and coal.

Sale of the
estate of mi-
nors allowed
under certain
circumstan-
ces.

Proviso.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That in all cases where it shall be made to appear to the Orphans' court, that the whole, or any part of the real estate of any minor, is in such a state of delapidation and decay, or so unproductive and expensive, that it would be to the interest and benefit of such minor, in the judgment of said court, that the same should be sold, then and in every such case, the Orphans' court of the county where such estate lies, shall allow the guardian of such minor to make public sale thereof, and to make title thereto to the purchaser, for such estate and interest as the said minor hath therein: *Provided always*, That before the said court shall approve of such sale, the guardian shall file in the office of the clerk of said court, a bond, with sufficient security, to be approved of by the court, conditioned for the faithful appropriation of the proceeds of such sale, for the use of said minor.

SECTION 2. That it shall be the duty of the Supreme court of this commonwealth, in all cases of appeals now made, or that may hereafter be taken from the decrees of the several Orphans' courts, to hear, try, and determine the merits of such cases, and to decree according to the justice and equity thereof. Supreme court in all cases of appeals, to try merits, etc.

SECTION 3. That so much of the sixth section of the act relating to registers and Registers' courts, passed the fifteenth day of March, eighteen hundred and thirty-two, as provides that no letters testamentary, or of administration, or otherwise, purporting to authorize any person to inter-meddle with the estate of a decedent, which may be granted out of this commonwealth, shall confer upon such persons any of the powers and authorities possessed by an executor or administrator, under letters granted within this state, and so much of the seventh section of the act relating to Orphans' courts, passed the twenty-ninth day of March, eighteen hundred and thirty-two, as provides that no appointment of a guardian, made or granted by any authority out of this state, shall authorize the person so appointed, to interfere with the estate of a minor in this state, are hereby declared and enacted, not to apply to shares of stock in any bank, or other incorporated company, within this commonwealth, but such shares of stock shall pass and be transfer-able, and the dividends thereon accrued, and to accrue, be receivable in like manner, in all respects, and under the same regulations, powers and authorities, as were used and practised with the loans or public debt of the United States, and were used and practised with the loans or public debt of this commonwealth, before the said recited acts were passed, unless the by-laws, rules and regulations of any such bank or corporation, shall otherwise provide and declare. Relating to Register's courts. Relating to Orphans' courts. Relating to stocks and dividends.

SECTION 4. That the measurer of all kinds of corn and salt, imported or brought into the port of Philadelphia for sale, shall have full power and authority to remove any deputy measurer, and appoint another, or others, from time to time, as he may deem necessary; and if any deputy or deputies, after such removal, shall measure any grain, seed, salt, or coal, contrary to the meaning of this act, he shall, for every such offence, forfeit and pay a fine of fifty dollars, to be recovered in the same manner that any other debt is by law recoverable. Authority to the measurer of corn & salt for the port of Philad'a. to remove his deputies. Penalty.

SECTION 5. Upon complaint made to the said measurer, by any two citizens of this commonwealth, that any of his deputies have misbehaved themselves in the performance of their duties, or have neglected the same, and if he shall find the said complaint to be true, he shall remove such deputy measurer from office. Cause for removing deputies.

Repeal.

SECTION 6. So much of the act to which this is a supplement, as is hereby altered and supplied, is hereby repealed.

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM.
Speaker of the Senate.

APPROVED—The sixteenth day of June, Anno Domini,
one thousand eight hundred and thirty-six.

JOS: RITNER



No. 183.

An Act

To incorporate the Reading, Fredericksburg and Susquehanna Railroad company.

Commissioners.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That John F. Stump, Randall Hutchinson, John Whiteman, William Carman, Joseph Akens, and Joseph Soveridge, of Philadelphia, Beneville Keim, Mathias S. Richards, Lewis Reese, George M. Keim, Isaac Eckhert, Jonathan Miller, John Potteiger, Michael R. Boyer, George Horner, Valentine Brobst, Abraham K. Clark, and Jacob Walborn, of Berks county; Henry W. Conrad and Peter Filbert, of Schuylkill county, William W. Martin, J. P. Grove, Jacob B. Weidman, Jacob Weidle, and General John Harrison, of Lebanon county, John Vanderslice, John Shell, David Umberger, of Dauphin county, or any two of them, be and they are hereby appointed commissioners to do and perform the several things hereinafter mentioned, that is to say: they shall procure a sufficient number of suitable books, in each of which they shall enter as follows:—“We whose names are hereunto subscribed, do promise to pay to the president and managers of the Reading, Fredericksburg and Susquehanna railroad company, the sum of fifty dollars.*

To procure
books.

Form of sub-
scription.

for every share of stock set opposite to our respective names, Price of in such manner and proportions, and at such times, as shall shares fifty be determined by the president and managers of the said dollars each company, in pursuance of an act of the general assembly of this commonwealth, entitled 'An act to incorporate the Reading, Fredericksburg and Susquehanna railroad company; Witness our hands, this day of , in the year of our Lord, one thousand eight hundred and ;' and shall thereupon give notice, in two newspapers printed in each of the counties of Berks, Lebanon and Dauphin, and two daily papers in the city of Philadelphia, three weeks at least, of the times and places when and where the said books shall be kept open, to receive subscriptions for the stock of the said company, at which respective times and places, one or more of the commissioners shall attend, and Who may permit all persons of lawful age who shall offer to subscribe subscribe. in the said books, in their own name, or the name of any other person who shall authorize the same, for any number of shares in the said stock, and the said books shall be kept open respectively for the purpose aforesaid, at least six hours in every juridical day, for the space of six days, or until there shall have been subscribed fifteen thousand 15,000 shares shares, and if at the expiration of six days, the books aforesaid shall not have the number of shares aforesaid therein subscribed, the said commissioners may adjourn from time to time, and transfer the book or books elsewhere, until the whole number of ten thousand shares shall be subscribed, of 10,000 shares which adjournment and transfer, the commissioners aforesaid shall give such public notice as the occasion may require, and when the whole number of shares shall be subscribed, At the time then the books shall be closed, but no subscription shall be of subscri- valid, unless the person so subscribing, shall pay to the said bing, five doll- commissioners at the time of making the same, the sum of on each share to be paid. five dollars on each share, for the use of the company.

SECTION 2. If more than fifteen thousand shares shall be Excess of subscribed in the time specified in the first section, to the subscription capital stock of the said company, the said commissioners, to be reduced or a majority of them, shall reduce the subscription to ten and how. thousand shares, by striking off from the largest number of shares in succession, until the subscription shall be reduced to fifteen thousand shares, or each of the subscriptions to one share; and if there shall be still an excess, then lots shall be drawn by the commissioners, to determine who shall be excluded.

SECTION 3. When seven thousand shares or more of the When letters said stock shall be subscribed, and five dollars on each share patent shall paid to the commissioners, the said commissioners, or a issue. majority of them, may certify the same, under oath or affirmation, to the Governor, whereupon, the Governor shall, by letters patent, under his hand and the seal of the common-

Name, style and title.	wealth, create and erect the subscribers, and if the subscription be not full at the time, then also those who shall thereafter subscribe to the number of shares as aforesaid, into a body politic and corporate, in deed and in law, by the name, style and title of "The Reading, Fredericksburg and Susquehanna Railroad company," and by the same name the subscribers shall have perpetual succession, and be able
Powers and privileges.	to sue and be sued, implead and be impleaded, in all courts of record and elsewhere, and to purchase, receive, have, hold, and enjoy, to them and their successors, lands, tenements and hereditaments, goods and chattels, and all estate, real, personal or mixed, of what kind or quality soever, and the same from time to time to sell, mortgage, grant, alien or dispose of, and to make dividends of such portions of the profits as they may deem proper, and also to make and have
Seal.	a common seal, and the same to alter or renew at pleasure, and also to ordain, establish, and put in execution such
By-laws.	by-laws, ordinances and regulations, as shall appear necessary and convenient for the government of the said corporation, not being contrary to the constitution and laws of the United States or of this commonwealth, and generally to do all and singular, the matters and things which to them it shall lawfully appertain to do, for the well being of the said corporation, and the due management and ordering the
Proviso.	affairs of the same: <i>Provided</i> , That nothing herein contained, shall be considered as in any way giving to the said corporation any banking privileges whatever, or any other liberties, privileges or franchises, but such as may be necessary or incident to the making and maintaining of the said railroad.
Organization of the comp'y	SECTION 4. The said named persons, or a majority of them, shall, as soon as conveniently may be after the said letters patent shall be obtained, give at least twenty days previous notice, in the newspapers hereinbefore mentioned, of the time and place by them appointed for the subscribers to meet, in order to organize the said company, and to choose, by a majority of votes of the said subscribers, by ballot, to be given in person or proxy, which proxy shall have been obtained and bear date within three months previously to the election at which such proxy shall be presented, duly authorized, one president and ten managers, a majority of whom shall be residents of this commonwealth, a treasurer and secretaries, and such other officers as shall be deemed necessary; that the president and managers aforesaid, shall conduct the business of said company until the first Monday of January then next, and until like officers shall be chosen, and may make such by-laws, rules, orders and regulations, as are not inconsistent with the constitution and laws of the United States or of this state, and may be necessary for the well governing the affairs of the company.
Proxies.	

SECTION 5. The stockholders shall meet on the first Annual election. Monday of January in every year, at such places as may be fixed upon by the by-laws, of which notice shall be given, at least twenty days, by the secretary, in the newspapers before mentioned, and choose by a majority of votes present, their officers for the ensuing year, as mentioned in the fourth section of this act, who shall continue in office for one year, and until others are chosen, and at such other times as they may be summoned by the managers, in such manner and form as shall be prescribed by the by-laws, at which annual or special meeting, they shall have full power and authority to make, alter or repeal, by a majority of votes, in manner aforesaid, all such by-laws, rules, orders and regulations as aforesaid, and to do and perform every other corporate act, and the number of votes to which each stockholder shall be entitled, shall be according to the number of shares he or she shall hold, and no share shall confer a right of suffrage, which shall not have been holden three calendar months prior to the election, nor unless it be holden by the person in whose name it appears, absolutely and bona fide in his own right, or in that of his wife, or for his or her sole use and benefit, or as executor or administrator, trustee or guardian, or in the right, and for the use and benefit of some copartnership, corporation, or society, of which he or she may be a member, and not in trust for and to the use and benefit of any other person: *Provided*, That no shares held by transfer, shall be entitled to vote, unless the same shall have been transferred at least three months before the election, and all votes by proxy, shall be on such terms and conditions as are prescribed by the act passed on the twenty-eight day of March, in the year one thousand eight hundred and twenty, entitled "An act to regulate proxies."

SECTION 6. The election of officers provided for in the fifth section of the act, shall be conducted in the following manner, that is to say: the managers for the time being, shall appoint two of the stockholders not being managers, to be judges of the said election, and to conduct the same, after having severally taken and subscribed an oath or affirmation, before an alderman or justice of the peace, well and truly, according to law to conduct such election; and the said judges shall decide on the qualifications of the voters, and when the election is closed, shall count the votes, and declare who has been elected; and if it shall at any time happen, that an election of president, manager, treasurer, or other officer, shall not be made, the corporation shall not for that cause be deemed to be dissolved, but it shall be lawful to hold and make such election of president, managers, treasurer, or other officer, on the same day, or any other day thereafter, by giving at least ten days notice, signed by the president

Board of managers to fill vacancies. or secretary, in the newspapers before mentioned, of the time and place of holding said election; and the president, managers, treasurer, and other officers of the preceding year, shall in that case continue to act, and be invested with all the powers belonging to their respective situations, until an election shall take place; in the case of death or resignation, or removal from the state of any president, manager, treasurer, or other officer, his place shall be filled by the board of managers, until the next annual election.

Meetings. SECTION 7. The said president and managers shall meet at

Quorum. such times and places as shall be found most convenient for the transacting of their business, and when met, six shall be a quorum, who, in the absence of the president, may choose a chairman, and shall keep minutes of their transactions, fairly entered in a book, and a quorum being formed, they

Powers of president and managers. shall have full authority to appoint all such surveyors, engineers, superintendents, and other artists and officers, as they shall deem necessary to carry on the intended work, and to fix their salaries and wages, to ascertain the times, manner and proportion in which the said stockholders shall pay the money due on their respective shares, to draw orders on the treasurer for the same, which shall be signed by the president, or in his absence by a majority of the managers present, and countersigned by the secretary, and generally to do all such other acts, matters and things, as by this act, and by the by-laws and regulations of the company, they are authorized to do.

Certificate of stock. SECTION 8. The president and managers first chosen, shall procure certificates or evidence of stock, for all the shares of the said company, and shall deliver one such certificate, signed by the president, and countersigned by the treasurer, and sealed with the common seal of the said corporation, to each person, for every such share or shares by him subscribed and held, which certificate or evidence of stock, shall be

Transfer'ble. transferrable at his pleasure, in person or by attorney, (duly authorized, in the presence of the president or treasurer, each of whom shall keep a book for that purpose,) subject however, to all payments due or to become due thereon; and the assignee holding any certificate, having first caused the assignment to be entered in a book of the company, to be kept for the transfer of stock, shall be a member of the said corporation, and for every certificate assigned by him as aforesaid, shall be entitled to a share or shares, as is therein mentioned, of the capital stock, and of all the estates and emoluments of the company incident to such share or shares, and to vote as aforesaid at the meetings thereof, until subject to all penalties and forfeitures, and of being sued for all the balances and penalty due or to become due on each share, as the original subscriber would have been.

SECTION 9. If after thirty days notice in the public papers ^{Penalty for} aforesaid, of the time and place appointed for the payment ^{neglecting to} of any proportion or instalment of the said capital stock, in pay instal- ^{ments.} order to carry on the work, any stockholder shall neglect to pay such proportion or instalment, at the place appointed, for the space of thirty days after the time so appointed, every such stockholder, or his assignee, shall, in addition to the instalment so called for, pay at the rate of two per centum per month for the delay of such payment; and if the same and additional penalty, shall remain unpaid for such space of time as that the accumulated penalty shall become equal to the sums before paid in part and on account of such shares, the same shall be forfeited to the said company, and may be ^{Forfeiture.} sold to any person or persons willing to purchase, for such prices as can be obtained for the same; or in default of payment by any stockholder, of any such instalment as aforesaid, the president and managers may, at their election, cause suit to be brought, before an alderman or justice of the peace, or in any court having competent jurisdiction, for the recovery of the same, together with the penalty aforesaid: *Provided,* That no stockholder, whether original subscriber ^{Provided.} or assignee, shall be entitled to vote at any election, or at any general or special meeting of the said company, on whose share or shares any instalment or arrearages may be due and payable more than thirty days previously to the said election or meeting.

SECTION 10. The president and managers of the said ^{Bonds with} company, shall demand and require of and from the treasurer, ^{sureties re-} and all and every other, the officers and other persons by ^{quired.} them employed, bond, in sufficient penalties, and with such securities as they shall by their rules, orders and regulations require, for the faithful discharge of the several duties and trusts to them or any of them respectively committed.

SECTION 11. Dividends of so much of the profits of the ^{Dividends} institution as shall appear advisable to the managers, shall ^{twice a year.} be declared at least twice a year in every year, and paid to the stockholders on demand, at any time after the expiration of ten days therefrom, but they shall in no case exceed the amount of nett profits actually acquired by the company, so that the capital stock shall never be thereby impaired; if the if the said directors shall make any dividend which shall impair the capital stock of said institution, the managers ^{Managers li-} consenting thereto, shall be liable in their, individual capaci- ^{able.} ties to said company, for the amount of the stock so divided; and each manager present when such dividend shall be made, shall be adjudged to be consenting thereto, unless he forthwith enter his protest on the minutes of the Board, and give public notice to the stockholders, at the declaring of such

Proviso. dividend: *Provided*, no such dividend shall exceed fifteen per cent. per annum, nor shall the contingent fund of the company at any time exceed one fourth of their capital stock, and the said company shall pay annually into the treasury of the commonwealth, a tax of eight per centum on all dividends which may exceed six per centum on the capital stock actually paid in.

Abstract of accounts to be furnished to the legislature.

SECTION 12. When actual operations shall have commenced, and at the end of every year thereafter, there shall be furnished to the Legislature an abstract of the accounts of the company, showing the whole amount of their capital actually paid into the funds of the company, the sums expended, the tolls and other profits accruing within the year, and the amount of dividends declared in each year, or the losses sustained, as the case may be, which abstract shall be verified by the oath or affirmation of the president of the company for the time being.

Route.

SECTION 13. The president, and managers of the said railroad company, shall have power to survey, lay down, ascertain, mark and fix such route as they shall deem expedient for a double or single railroad, beginning at some point near the borough of Reading, in Berks county, on the Philadelphia and Reading railroad, by making Bernville, Rherersburg, in Berks county, and Fredericksburg in Lebanon county, intersectional points, and terminating near Carson's brick house, on the Susquehanna river, in Dauphin county, having due regard to the situation or nature of the ground, and of the buildings thereon, the public convenience, and the interest of the stockholders, and so as to do the least damage to private property, and the said road shall not pass through any burying ground nor place of public worship; nor any dwelling house, without the consent of the owner thereof, nor shall it pass through any out-building of the value of three hundred dollars, without such consent; and the said president, managers and company shall, within six months after ascertaining the route of the said railroad, cause an accurate survey of the lines of the said road to be made, a map or plot of which survey, they shall cause to be filed in the Secretary's office of this state, which map or plot, or a certified copy thereof, shall be sufficient evidence of the course of said road, which may then be opened, and all the expenses incurred thereby, shall be defrayed by said company.

Map or plot of the survey.

Company may enter upon any land to lay out road and to search for materials.

SECTION 14. It shall be lawful for the president and managers of the said railroad company, and their agents, and all persons employed by or under them, for the purposes contemplated in this act, to enter upon any land which they shall deem necessary, for laying out said road, and also, for the purpose of searching for stone, sand, or gravel, or wood, for constructing said road, but no stone, sand, gravel, or wood, shall be taken away from any land without the consent of the owner thereof, until compensation

For the same be ascertained and paid, which compensation, if the parties cannot agree thereon, shall be ascertained in the manner hereinafter prescribed, as to the compensation for lands over which the said road may be laid.

SECTION 15. It shall and may be lawful for the company hereby incorporated, to make, erect and establish, a single or double track railroad, on the route laid out as aforesaid; and they are also hereby empowered to make and establish all works, edifices and devices to such railroad, as may by the said company be deemed expedient, for the purposes of carrying into effect the objects of their incorporation, and also, to contract and agree with the owner or owners, for the purchase of any lands or tenements which may be necessary for the purpose of erecting the said railroad.

SECTION 16. Whenever it shall be necessary for the president and managers of the said railroad company, to enter in and upon, and occupy, for the purpose of making said railroad, any land upon which the same may be located, if the owner or owners of the said land shall refuse to permit such entry and occupation, and the parties cannot agree upon the compensation to be made for any injury, or supposed injury, that may be done to such land by such entry and occupation, it shall and may be lawful, for the parties to appoint six suitable and disinterested persons to estimate such damage, who shall, under oath or affirmation, fairly and impartially estimate the same, and shall reside within the proper county where the land lies, and the expenses incurred by the said appraisers, shall be defrayed by the said railroad company, but if the parties cannot agree upon such persons, or if the persons so chosen shall not decide upon the matter, or if the owner of such land shall refuse or neglect to join in such appointment, within twenty days after requisition for that purpose upon him made, or if such owner shall be feme covert, under age, non compos mentis, or out of the state, then it shall be lawful for the court of Common Pleas of the county in which the land lies, on application of either party, and at the cost and charges of said corporation, to appoint six disinterested persons of said county to view, examine, and survey the said lands, tenements, or hereditaments, and estimate the injury or damage, if any, in their apprehension, will be sustained as aforesaid, by reason of said railroad, and report the same, under their oaths or affirmations, to the said court, which report being confirmed by the said court, judgment shall be entered thereon, and the said viewers shall be entitled to the like fees for their services, as are allowed by law to viewers of public roads and highways, to be paid by said company, and it shall be the duty of the appraisers in estimating such injury or damage, to take into consideration the advantage that will be derived to the owner or owners of the said lands,

Proviso. from the said railroad: *Provided*, That either party may appeal to the court, within thirty days after such report may have been filed in the Prothonotary's office of the proper county, in the same manner as appeals are allowed in other cases, and upon the coming in of such report or inquisition, and the confirmation thereof, or upon final judgment on appeal therefrom, and the said company paying to such owner the sums in such report or judgment specified, in full compensation for said lands, for the injury sustained as

2d Proviso. aforesaid: *Provided*, That upon the payment, or tender of payment, by the said company, of the sum specified in the report of said viewers or appraisers, to the owner of said land, the said president and managers, their agents or contractors for making or repairing the said road, may immediately take and use the same, without awaiting the issue of proceeding, as hereinbefore prescribed.

Public roads not to be obstructed. SECTION 17. The said railroad shall be so constructed by the said company, as not to obstruct or impede the free use and passage of any public road or roads, which may cross or enter at the same, being now laid out, or hereafter to be laid out, and in all places where the said railroad may cross, or in any way interfere with any public road, it shall be the duty of the said company to make, or cause to be made, a

Sufficient causeways to be made and maintained. sufficient causeway, or causeways, to enable all persons passing or traveling such public road, to cross and pass over the said railroad, which causeway or causeways, shall be made and maintained by the said company, and the sufficiency of the same shall be judged of by the supervisor or supervisors of the proper township, at the expense of the said company; and if the said company shall refuse or neglect to make such causeway or causeways, or when made to keep the same in

Penalty. good repair, they shall be liable to pay a penalty of five dollars for every time the same shall be so neglected or refused to be made or repaired, to be recovered by the supervisor of the township, with costs, for the use of the township, as debts of like amount are by law recoverable, and shall moreover, be liable to an action or actions, at the suit of any person who may be aggrieved thereby, and the service of process upon any officer or agent of said company, shall be as good and as available in law as if served upon the president thereof.

Private causeways. SECTION 18. For the accommodation of all persons owning or possessing land through which the said railroad may or shall pass, and to prevent inconvenience to such person in crossing and passing over the same, it shall be the duty of the said company, when required, to make, or cause to be made, a good and sufficient causeway, or causeways, whenever the same may be necessary, to enable the occupant or occupants of said lands to cross or pass over the same with wagons, carts, and implements of husbandry, as occasion may

require: *Provided*, That the said company shall in no case *Proviso.* be required to make, or cause to be made, more than one such causeway through each plantation or lot of land, for the accommodation of any one person, owning or possessing land through which the railroad may or shall pass, and where any public road shall cross said railroad, the person owning or possessing land through which the said road shall pass, shall not be entitled to make such requisitions on said company; and the said causeways, when so made, shall be maintained and kept in repair by the said company, and if the said company shall refuse or neglect to make such causeway or *Penalty.* causeways, or when made, to keep the same in good repair, the said company shall be liable to pay any person aggrieved thereby, all the damages sustained by such person in consequence of such refusal or neglect, to be sued for and recovered, before any magistrate, or any court having cognizance thereof; and the service of process upon any officer or agent of said company, shall be as good and as available in law, as if served upon the president thereof: *Provided*, That this act *Proviso.* shall not be construed as to prevent owners of lands through whose property the said railroad passes, from constructing a causeway or crossing place over said railroad, but the same to be such as are usually made by the said company.

SECTION 19. No suit or action shall be brought or prose- *Actions to be* cuted by any person or persons, for any penalties incurred *commenced* under this act, unless such suit or action shall be commenced *within six* within six months next after the offence shall have been *months.* committed, or the cause of action shall have accrued, and the defendant or defendants in such suit or action, may plead the general issue, and give this act and the special matter in evidence, and that the same was done in pursuance, and by authority of this act.

SECTION 20. On the completion of the said railroad, or any *The railroad* portion of one track, not less than ten miles, the same shall *to be a public* be esteemed a public highway, for the conveyance of passen- *highway.* gers, merchandise, and commodities, under such regulations as shall be prescribed by the managers; and it shall and may be lawful for the said company, to demand and receive such *Tolls.* sum or sums of money for tolls, of persons and property, as they shall from time to time think reasonable: *Provided*, *Proviso.* That the toll on any species of property, shall not exceed seven cents per ton per mile, and upon passengers more than four cents each per mile, and the legislature reserves the right to reduce and regulate the tolls hereby authorized; and it shall be further lawful for the president and managers of the company, to prescribe the kind of carriages, wagons and conveyances which shall be used on the said railroad, for the transportation of persons and commodities, and to adopt such regulations as to the transit of wagons and carriages on the

said road, as may seem to them most conducive to the interest of the public, and of persons using the same.

Penalty for defrauding the company of toll.

SECTION 21. If any owner or driver of any car, carriage, wagon or conveyance, upon the said railroad, shall pass by any place appointed for receiving tolls, without making payment thereof, with intent to defraud the said company, he, she or they so offending, shall forfeit and pay for every such offence, for the use of said company, the sum of twenty dollars, to be sued for and recovered by action of debt, before any justice of the peace, in like manner, and subject to the same rules and regulations, as debts under one hundred dollars may be sued for and recovered, together with costs of suit.

Penalty for injuring the railroad.

SECTION 22. If any person or persons shall wilfully and knowingly break, injure, or destroy the railroad, or any part thereof, or any work, edifice, or device, or any part thereof, to be erected by the said company in pursuance of this act, he, she, or they, shall forfeit and pay to the said company the actual damages so sustained, to be sued for and recovered with costs of suit, in any court having cognizance thereof, by action of debt, in the name and for the use of the said company, and shall be subject to indictment in the court of Quarter Sessions of the proper county, and upon conviction of such offence, shall be punished by fine and imprisonment, at the discretion of the court.

Charter to become null under certain circumstances.

SECTION 23. If the said corporation shall not carry into effect the objects of this charter within the term of ten years from the passing of this act, or if after the completion of the said railroad, the said corporation shall suffer the same to go to decay, and be impassable for the term of two years, then this charter shall become null and void, except so far as compels said company to make reparation for damages.

Capital stock may be increased to 900,000 dollars.

SECTION 24. If any increase of the capital stock be deemed necessary by the stockholders, to complete the said railroad, it may be lawful for the said president, managers and company, at a stated or special meeting, convened for the purpose, to increase the number of shares, so that the capital of said company shall not exceed nine hundred thousand dollars, and to receive and demand the monies for shares so subscribed, in like manner, and under like penalties, as are hereinbefore provided for the original subscription, or as shall be provided for by their by-laws.

Legislature reserves the right to purchase the road, &c.

SECTION 25. If said company shall at any time misuse or abuse any of the privileges hereby granted, the legislature may resume all and singular, the rights and privileges hereby granted to said company; the legislature also reserves the right to purchase the right of said company, and the railroad, with its appurtenances, at any time after thirty years from the passage of this act, by paying to said company a

sum of money which, together with the tolls received, shall equal the cost and expenses of said railroad, with an interest of eight per centum per annum thereon.

NER MIDDLESWARTH,

Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,

Speaker of the Senate.

APPROVED—The sixteenth day of June, Anno Domini, one thousand eight hundred and thirty-six.

JOS: RITNER.

No. 184

An Act

Relating to the lien of Mechanics and others, upon Buildings.

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An act relating to the lien of Mechanics and others upon Buildings.

SECTION 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same. That every building erected within the several counties of this commonwealth, to which the act entitled "An act securing to mechanics and others, payment for their labours and materials in erecting any house or other building, within the city and county of Philadelphia," passed the seventeenth of March, eighteen hundred and six, and the several supplements thereto, now extends, shall be subject to a lien for the payment of all debts contracted for work done, or materials furnished for, or about the erection or construction of the same.

SECTION 2. The lien of such debt, shall extend to the ground covered by such building, and to so much other ground immediately adjacent thereto, and belonging in like manner to the owner of such building, as may be necessary for the ordinary and usual purposes of such building, the quantity and boundaries whereof shall be determined as follows:

SECTION 3. It shall be the duty of the prothonotary of the court of Common Pleas of every county, to which the provisions of this act extend, and the prothonotary of the District Court of the city and county of Philadelphia, respectively, and of the city and county of Lancaster, the District Court of Allegheny county, to procure and keep a book or docket, which shall be called "The Mechanics lien docket," in which he shall cause to be entered and recorded, all descriptions or designations of lots, or pieces of ground, as hereinafter mentioned, and all claims that may be filed by virtue of this act, together with the day of filing the same, and he shall cause the names, as well of the owner of the lot or piece of ground, as of the contractor, architect or builder, if such be named, and of the person claiming any lien under this act, to be alphabetically indexed therein.

SECTION 4. It shall be lawful for the owner of any lot or piece of ground, who may be desirous of erecting, or of contracting with any other person for the erection of any building, as aforesaid, to declare or define in writing, the boundaries of the lot, or curtilage appurtenant to such building, previously to the commencement thereof, and cause the same to be entered in a book aforesaid, and such designation of boundaries so made and entered upon record, shall be obligatory upon all persons concerned.

SECTION 5. In default of such designation of boundaries, previously to the commencement of any building, it shall be lawful for the owner of such lot or piece of ground, or for any person having a lien upon the same, by mortgage, judgment, or otherwise, or entitled to a lien by virtue of this act, to apply by petition, in writing, to the proper court, to appoint competent and skilful persons as commissioners, to designate the boundaries aforesaid.

SECTION 6. It shall be the duty of the court to whom application shall be made as aforesaid, after reasonable notice given to all parties interested, to appoint such competent persons commissioners, as aforesaid, as all the parties interested shall nominate, but if the parties cannot agree upon a nomination, it shall be lawful for the court to appoint such competent persons for that purpose, as they shall think proper.

SECTION 7. It shall be the duty of the commissioners so appointed, to examine the building, or place at which such building is being erected, and to make a report to the court,

in pursuance of the order to them directed, and in such report, they shall sufficiently designate and describe by metes and bounds, with their courses and distances, and by a draft, if necessary, the limits and extent of ground necessary for the convenient use of such building, for the purpose for which it is designed, and such report shall be entered at length upon the record book aforesaid, and if approved by the court, shall be conclusive upon all persons concerned.

SECTION 8. If execution shall be awarded for the levy and sale of any lot or piece of ground, upon which a building shall be erected as aforesaid, before the boundaries of the lot or curtilage which ought to be appurtenant thereto shall be designated, it shall be lawful for the court, upon application, to stay such execution until such designation shall be made, and thereupon order the sale to proceed, in such manner, and for such part or parts, and in such parcels as shall be most convenient for the administration of equity among all persons interested.

SECTION 9. If the building against which any claim shall be filed as aforesaid, or any part of the ground adjacent thereto, shall be sold by virtue of an execution, upon a mortgage or judgment, before the extent of the lien of the claimant shall be ascertained, as aforesaid, the court out of which such execution shall have issued, shall have power to determine the rights of the respective parties, and the apportionment or appropriation of all liens as aforesaid, and for that purpose, may appoint an auditor to inquire into and report the facts, and may decree distribution of the proceeds accordingly, or upon the application of any of the parties may direct an issue, for the determination of disputed facts.

SECTION 10. The lien for work and materials, as aforesaid, shall be preferred to every other lien or incumbrance which shall be attached upon such building and ground, or either of them, subsequently to the commencement of such building.

SECTION 11. Every person entitled to such lien, shall file a claim or statement of his demand, in the office of the clerk or thotary of the court of Common Pleas of the county in which the building may be situate.

SECTION 12. Every claim as aforesaid, must set forth:
First, The names of the party claimant, and of the owner or reputed owner of the building, and also of the contractor, architect or builder, where the contract of the claim was made with such contractor, architect or builder.
Second, The amount or sum claimed to be due, and the nature or kind of the work done, or the kind and amount of materials furnished, and the time when the materials were furnished, or the work was done, as the case may be.

7, The locality of the building, and the size and number the stories of the same, or such other matters of description as shall be sufficient to identify the same.

SECTION 13. In every case in which one claim for materials be filed by the person preferring the same, against two or more buildings, owned by the same person, the person making such joint claim shall, at the same time, designate the amount which he claims to be due to him on each of such buildings, otherwise, such claim shall be postponed to other creditors, and the lien of such claimant shall not extend beyond the amount so designated, as against other creditors having liens, by judgment, mortgage, or otherwise.

SECTION 14. Every such debt shall be a lien as aforesaid, from the expiration of six months after the work shall have been finished, or materials furnished, although no claim shall have been filed therefor, but such lien shall not continue longer than the said period of six months, unless a claim be filed as aforesaid, at or before the expiration of the same period.

SECTION 15. The proceedings to recover the amount of such claim as aforesaid, shall be, by a writ of scire facias, in the following form, viz:

County, ss.

The commonwealth of Pennsylvania,

To the Sheriff of said county, greeting:
Whereas, hath filed a claim in our (court)
of the county of , against , for the
of , for (work done or materials furnished,
in case may be,) to (or for) a certain building, to wit:
describing it as in the claim:) And whereas, it is alleged
that the said sum still remains due and unpaid to the said
; now we command you, that you make known to the
; and to all such persons as may hold or occupy
said building, that they be and appear before the judges
of said court, at a court of , to be held at
on the of next, to show if any thing
they know or have to say, why the said sum of should
not be levied of the said building, to the use of the said
; according to the form and effect of the act of assembly,
in each case made and provided, if to them it shall seem
right, and have you then and there this writ; witness

SECTION 16. *Provided*, That no such scire facias shall issue unless the same be issued, within fifteen days previous to the return of the next term.

SECTION 17. The writ of scire facias aforesaid, shall be served in the same manner as a summons, upon the defendant therein, if he can be found within the county, and a copy of the same shall also be left with some person residing in the building, if occupied as a place of residence, but if not so

occupied, it shall be the duty of the sheriff to affix a copy of such writ upon the door, or other front part of such building.

SECTION 18. It shall also be the duty of the sheriff to whom any such writ of scire facias may be directed, to give notice thereof to all other claimants and persons interested by advertisements, in two daily newspapers published in his county, as the case may be, at least ten days before the return day of the writ; in each county where such papers are published, but when daily papers are not so published, then in two weekly newspapers, if so many are published therein or if but one weekly newspaper is published in such county in such newspaper, or if no paper is published in such county in a paper published nearest thereto, for four successive weeks before the return day thereof.

SECTION 19. Upon the return of such writ, it shall be lawful for any other person, having filed a claim as aforesaid, to cause to be entered on the record of the same suit a suggestion, setting forth the amount and nature of his demand, and thereupon, he may have a rule upon the defendant, to appear and plead thereto, as in other actions.

SECTION 20. If the defendant shall appear and plead to such suggestion, and issue, either in fact or law, be joined upon any plea, such particular issue shall be tried and determined as in other cases; if the defendant shall not plead to such suggestion, after due notice, judgment shall be entered for the claimant filing the same, and the amount of the claim shall be ascertained as in other cases.

SECTION 21. The execution for every such judgment, shall be by a writ of levari facias, in the following form:

County, ss.

The Commonwealth of Pennsylvania,

To the Sheriff of said county, greeting:

We command you, that without any other writ from us, of the following described building and lot of ground, of A. B. to wit: (describing the same according to the record:) in your bailiwick, you cause to be levied, as well a certain debt

, which C. D. lately in our court of Common Pleas for the county aforesaid, by the consideration of the said court, recovered of the said A. B. to be levied of the said building and lot of ground, as also the interest thereon from the day of , A. D. ; also, the sum of , which E. F. lately, in our said court for the county aforesaid, by the consideration thereof, recovered of the said A. B. to be levied of the said building and lot of ground, as also the interest thereon from the day of , A. D. , amounting in the whole to the sum of

, and also the sum of , for the costs which accrued thereon, according to the form and effect of an act of assembly of the commonwealth of Pennsylvania, in and

se made and provided, and have you these monies before
r judges at , at our county court of Common Pleas,
ere to be held on the day of next, to render
to the said C. D. for his debt, interest, and costs afore-
id, and have you then there this writ, &c.

SECTION 22. *Provided*, That if the proceeds of such
ilding and ground as aforesaid, shall not be sufficient to
y the full amount of all debts due as aforesaid, for work done
d materials furnished, after deducting therefrom any prior
ns upon the same, then such debts shall be averaged, and
e creditors aforesaid, shall be paid in proportion to their
pective demands.

SECTION 23. In every case in which any claim shall be filed
ainst any building as aforesaid, and no scire facias shall
ve issued thereon, it shall be lawful for the owner of such
ilding, or any person interested therein, to apply, by peti-
on, to the court in which such claim shall be filed, setting
th the facts, whereupon, such court may grant a rule upon
e party claimant, and others interested, to appear in court,
a time to be fixed for such purpose, and on the return of
ch rule, may proceed in like manner as if a scire facias had
en issued by such claimant, and had been duly served and
urned.

SECTION 24. The lien of every such debt, for which a
im shall have been filed as aforesaid, shall expire at the
d of five years from the day on which such claim shall
ve been filed, unless the same shall be revived by scire
ias, in the manner provided by law in the case of judg-
nts, in which case, such lien shall continue in like manner,
another period of five years, and so from one such period
another, unless such lien be satisfied, or the same be
inguished, by a sheriff's sale, or otherwise, according to
r.

SECTION 25. In every case in which the amount of any
im as aforesaid, shall be paid, or otherwise satisfied, it
ll be the duty of the claimant, or his legal representative,
the request of the owner of the building, or of any other
son interested therein, and on payment of the costs, to
er satisfaction on the record of such claim, in the office
the prothonotary of the court in which such claim shall
ve been entered, which shall forever thereafter discharge
l release the same.

SECTION 26. If any person who shall have received satis-
tion as aforesaid, shall neglect or refuse to enter satisfaction
such claim as aforesaid, within sixty days after request,
l payment of the costs of suit, as aforesaid, he shall forfeit
l pay to the party aggrieved, any sum not exceeding one
f of the amount of such claim, to be recovered as debts of
ke amount are recoverable.

Proviso.

from the said railroad: *Provided*, That either party may appeal to the court, within thirty days after such report may have been filed in the Prothonotary's office of the proper county, in the same manner as appeals are allowed in other cases, and upon the coming in of such report or inquisition, and the confirmation thereof, or upon final judgment on appeal therefrom, and the said company paying to such owner the sums in such report or judgment specified, in full compensation for said lands, for the injury sustained as

2d Proviso.

aforesaid: *Provided*, That upon the payment, or tender of payment, by the said company, of the sum specified in the report of said viewers or appraisers, to the owner of said land, the said president and managers, their agents or contractors for making or repairing the said road, may immediately take and use the same, without awaiting the issue of proceeding, as hereinbefore prescribed.

Public roads not to be obstructed.

SECTION 17. The said railroad shall be so constructed by the said company, as not to obstruct or impede the free use and passage of any public road or roads, which may cross or enter at the same, being now laid out, or hereafter to be laid out, and in all places where the said railroad may cross, or in any way interfere with any public road, it shall be the duty of the said company to make, or cause to be made, a

Sufficient causeways to be made and maintained.

sufficient causeway, or causeways, to enable all persons passing or traveling such public road, to cross and pass over the said railroad, which causeway or causeways, shall be made and maintained by the said company, and the sufficiency of the same shall be judged of by the supervisor or supervisors of the proper township, at the expense of the said company; and if the said company shall refuse or neglect to make such causeway or causeways, or when made to keep the same in

Penalty.

good repair, they shall be liable to pay a penalty of five dollars for every time the same shall be so neglected or refused to be made or repaired, to be recovered by the supervisor of the township, with costs, for the use of the township, as debts of like amount are by law recoverable, and shall moreover, be liable to an action or actions, at the suit of any person who may be aggrieved thereby, and the service of process upon any officer or agent of said company, shall be as good and as available in law as if served upon the president thereof.

Private causeways.

SECTION 18. For the accommodation of all persons owning or possessing land through which the said railroad may or shall pass, and to prevent inconvenience to such person in crossing and passing over the same, it shall be the duty of the said company, when required, to make, or cause to be made, a good and sufficient causeway, or causeways, whenever the same may be necessary, to enable the occupant or occupants of said lands to cross or pass over the same with wagons, carts, and implements of husbandry, as occasion may

require: *Provided*, That the said company shall in no case *Proviso.* be required to make, or cause to be made, more than one such causeway through each plantation or lot of land, for the accommodation of any one person, owning or possessing land through which the railroad may or shall pass, and where any public road shall cross said railroad, the person owning or possessing land through which the said road shall pass, shall not be entitled to make such requisitions on said company; and the said causeways, when so made, shall be maintained and kept in repair by the said company, and if the said company shall refuse or neglect to make such causeway or *Penalty.* causeways, or when made, to keep the same in good repair, the said company shall be liable to pay any person aggrieved thereby, all the damages sustained by such person in consequence of such refusal or neglect, to be sued for and recovered, before any magistrate, or any court having cognizance thereof; and the service of process upon any officer or agent of said company, shall be as good and as available in law, as if served upon the president thereof: *Provided*, That this act *Proviso.* shall not be construed as to prevent owners of lands through whose property the said railroad passes, from constructing a causeway or crossing place over said railroad, but the same to be such as are usually made by the said company.

SECTION 19. No suit or action shall be brought or prosecuted by any person or persons, for any penalties incurred *Actions to be commenced* under this act, unless such suit or action shall be commenced within six months next after the offence shall have been committed, or the cause of action shall have accrued, and the defendant or defendants in such suit or action, may plead the general issue, and give this act and the special matter in evidence, and that the same was done in pursuance; and by authority of this act. *months.*

SECTION 20. On the completion of the said railroad, or any *The railroad* portion of one track, not less than ten miles, the same shall *to be a public* be esteemed a public highway, for the conveyance of passengers, merchandise, and commodities, under such regulations as shall be prescribed by the managers; and it shall and may be lawful for the said company, to demand and receive such *Tolls.* sum or sums of money for tolls, of persons and property, as they shall from time to time think reasonable: *Proviso.* *Provided*, That the toll on any species of property, shall not exceed seven cents per ton per mile, and upon passengers more than four cents each per mile, and the legislature reserves the right to reduce and regulate the tolls hereby authorized; and it shall be further lawful for the president and managers of the company, to prescribe the kind of carriages, wagons and conveyances which shall be used on the said railroad, for the transportation of persons and commodities, and to adopt such regulations as to the transit of wagons and carriages on the

as if the act of the thirtieth of March aforesaid, had not been passed.

- Somerset co. Quemahoning township.** SECTION 10. That the qualified electors residing within the township of Quemahoning, in the county of Somerset, shall hereafter hold their general elections at the house now occupied by David Deibert, in said township.
- York co. Monaghan township.** SECTION 11. That the electors of the township of Monaghan, in the county of York, shall hereafter hold their general election, at the house now occupied by Peter Lauck, in said township.
- Washington county—Nottingham township.** SECTION 12. That the electors of Nottingham township, in the county of Washington, shall hereafter hold their general elections at the house now occupied by John M'Donald, in said township.
- Susquehanna county—Rush t—p.** SECTION 13. That the electors of Rush township, in Susquehanna county, shall hereafter hold their general elections at the Centre school house, in said township.
- Erie co. Le Beouff township.** SECTION 14. That the electors of the township of Le Beouff, in the county of Erie, shall hereafter hold their general elections at the house of the widow Rosanna Robinson, in said township.
- Delaware co. Radnor t—p.** SECTION 15. The township of Radnor, in the county of Delaware shall hereafter be a separate election district, and the electors thereof, shall hold their general election at the public house of Alexander Brook, sign of the Sorrel Horse, in the said township.
- Venango co. Allegheny township.** SECTION 16. That the electors of Allegheny township, Venango county, shall hereafter hold their general election at the school house called or known by the name of the Baptist meeting house, on the road leading from Concord meeting house, to John Brown's store.
- Columbia co. Mahoning township.** SECTION 17. The citizens of the township of Mahoning, in the county of Columbia, shall hereafter elect two constables, one of whom shall be a citizen of the town of Danville, and neither of whom shall serve more than three years in any six years.
- Duty of the sheriff of Philad'a city and county to notify the assessors, etc.** SECTION 18. That it shall be the duty of the sheriff of the city and county of Philadelphia, on or before the tenth day of July next, and on or before the tenth day of July in each and every year thereafter, to give written or printed notice to the assessors of each ward, district, or township within the said city, and the districts of Southwark, Moyamensing, Northern Liberties, Kensington, and Spring Garden, in the county, requiring them to perform the duties prescribed in the next section of this act, and to notify the said sheriff, on or before the twentieth day of July, that they have duly qualified themselves to perform the same.
- Duty of assessors of city & co. of Phila.** SECTION 19. It shall be the duty of the said assessors, on or before the fifth day of September, in this, and every year hereafter, to make out a correct list, alphabetically arranged

of all such inhabitants of their respective wards, townships and districts, as shall be entitled, under the constitution to vote therein, at the then next general election, and the presidential election, when they occur in the same year, and the election of delegates to the convention, as provided by law for the present year, and deliver the same to the sheriff, who shall, on or before the fifteenth day of September, annually, publish the same, by affixing a printed copy in his office, and printed copies in at least ten public places in each of the said wards, districts and townships: *Provided, That* **Proviso.** until assessors of the district of Southwark, in the county of Philadelphia, shall be elected, at the general election of the year eighteen hundred and thirty six, the present assessors of the said district and township shall, so far as relates to their respective district and township, perform each and every of the duties enjoined upon assessors of the wards, districts and townships within the city and county of Philadelphia, by this act, in the manner following, that is to say: the present assessor of East Southwark, shall perform said duties in the first and second wards of the said district, and the present assessor for West Southwark, shall perform said duties in the third, fourth and fifth wards of said district, separately.

SECTION 20. That before proceeding to make out such **Assessors to** lists, the said assessors shall be duly sworn or affirmed, before **be sworn or** some person authorized to administer oaths and affirmations, **affirmed.** to discharge such duty fairly and impartially, and according to the provisions of this act; and it shall be the duty of said **Their duties** assessors, in preparing said lists, in all cases where there is **continued.** a doubt as to the qualifications of any person claiming to be an elector, to require such evidence of qualification, as the inspectors of the general elections may now by law require, and also, wherever it shall appear that a minor, being the son of a qualified elector, will come of age on or before the next general election, or on or before the next presidential election, when the same occurs in one year, it shall be their duty to insert the name of said minor on the registry, marking opposite his name, the time when the said minor shall become of age; and in the case of an alien resident, who has declared his intention to become a citizen, according to the existing laws, and who will be entitled to be naturalized on or before the said elections, it shall be the duty of the assessors to insert the name on the registry, marking opposite it the two letters D. I. and in all such cases, the inspectors, when such person shall offer to vote, shall require the production of the certificate of naturalization, as now required by law; and the said assessors, in the discharge of the said duties, shall have power to administer oaths and affirmations; and it

Duty of the commiss'rs. of the county of Philad'a. shall be the duty of the commissioners of the county of Philadelphia, to issue their precepts, to make the annual and tri-ennial assessments, to the assessors of the several wards, districts, and townships in the city and county of Philadelphia, on the first Monday in November, in each and every

Assessors; duty & compensation.

year, and said assessors shall make returns of the same, on or before the third Monday of January next following, and such assessors shall receive one dollar and seventy-five cents for each day actually employed in making the same.

The names of qualified electors that have been omitted, shall be added to the registry, etc.

SECTION 21. It shall be lawful for any qualified elector, whose name may have been omitted from the registry authorized to be made and published by the preceding sections, or who may have removed into the ward, township, or district, after the said list shall have been made and published, to make application, either personally or by writing, to have his name added to the registry, at a meeting of the judges and inspectors of the general election, to be held for the purpose of correcting the said lists, as hereinafter provided, and any qualified elector who shall have removed from one ward, district or township, to another, after the said meeting of the judges and inspectors, shall be entitled to vote in the ward, district, or township from which he shall have removed, and wherein he shall have been registered.

Duty of judges, inspectors and clerks of the general elections.

SECTION 22. For the purpose of correcting any errors which may occur in said lists, it shall be the duty of the judges, inspectors, and clerks appointed to hold the general elections, to meet in their respective wards, townships and districts, on the first Tuesday in October in each and every year, at ten o'clock in the forenoon, at some place, to be designated by the sheriff, within the said ward, district, or township, and shall sit publicly, for the examination of the same, and it shall be the duty of the sheriff to furnish the said judges and inspectors, with the lists for their respective wards, townships and districts, and they, being first sworn or affirmed to perform their duties with fidelity, shall receive such proofs of the right of such applicants, as are referred to in the preceding section, to vote at the next general election, as is required by the laws regulating elections in this commonwealth; and they shall add to the said list or lists, the name or names of such person or persons as they shall find to be duly qualified to vote, as aforesaid, and whose name or names may have been omitted from said lists, and they shall certify that they have duly examined and corrected said lists, and shall return the same, so certified, to the sheriff, who shall safely keep the same until the day of general election, and shall deliver them to the said judges and inspectors, on the morning of the general election, before the opening of the polls thereof, which said list, duly attested by the said sheriff, shall be deemed and taken to be the only and conclusive evidence of the qualifications of the electors thereof,

Corrected list of voters to be certified to the sheriff, etc.

except in the cases of naturalization, hereinbefore provided for; and the said judges and inspectors shall, if they consider it necessary, adjourn to meet on the next day, and for each Pay of judge of the two days so employed, the said judges, inspectors and es, inspectors clerks, shall each receive from the county treasury, the sum and clerks. of two dollars: *Provided*, That in no case there shall be an *Proviso*. adjournment, where no applications are made by omitted electors, at the first meeting.

SECTION 23. When any names shall be inserted on the Erroneous lists to be made as aforesaid, by the assessors, of persons not lists to be qualified to vote, any one citizen resident within the ward, corrected, and district, or township, for which said list shall be made, may how. place in the hands of the judges and inspectors thereof, at their meeting, on the said first Tuesday of October, a written statement, that he believes such person so placed on the lists, are not legal voters, and if it shall be shown to the said judges and inspectors, by the oath or affirmation of the person challenging, that the person so challenged, has had due notice of the said challenge, and of the time and place of the meeting of the said judges and inspectors, it shall be the duty of the said judges and inspectors, to examine into the grounds of said challenge, and if they shall be of opinion that the person so challenged will not be entitled to vote, then to erase the name from said registry, and if no such notice of the challenge be proved as aforesaid, it shall then be the duty of said inspectors and judges, so to correct the said list, by placing opposite the name of the person or persons so challenged, the letter C. and when on the day of election, any individual so challenged, and whose name shall be so marked, shall offer to vote, the inspectors shall require the same evidence of qualification as is now required by law: *Provided*, That *Proviso*. the said inspectors and judges, at their said meeting, shall not receive any such written challenge and decide thereon, or mark the names as aforesaid, unless the said statement shall contain a specification of the nature of the alledged disqualification in each case, and any person convicted of wilfully swearing falsely, in proving such service of notice, shall be deemed and considered guilty of perjury, and punished accordingly: *And provided further*, That in the case of an 2d *Proviso*. elector removing into the ward, township, or district, and applying to the inspectors as aforesaid, to have his name inserted on the registry, the application shall set forth the name of the ward, township, or district from which he shall have removed, and the said inspectors shall thereupon certify the fact of said removal, to the inspectors of the ward, township, or district whence the said elector shall have removed, who shall erase his name from the list authorized and prepared as aforesaid.

SECTION 24. The assessors who shall perform the duties Assessors' delegated by the preceding sections, in making the lists, pay.

shall be entitled to be paid by the county the same per diem allowance, as by law they are now entitled to receive for making assessments, according to law, and it shall be the duty of the county commissioners, on application made to them for that purpose, to furnish the assessors, on or before the twentieth of July in each year, with the necessary books and blanks for making said registry, or lists, and the sheriff shall be entitled to receive a reasonable allowance from the county treasurer, for all expenses incurred by him in the discharge of the duties prescribed by this act.

Duty of county commissioners.

Pay of sheriff.

Certain judges, inspectors and clerks of the general election of 1835, to act in 1836.

SECTION 25. That the judges, inspectors, and clerks, in the said wards, townships, and districts, except in the district of Southwark, elected and appointed in the fall of one thousand eight hundred and thirty-five, shall act as judges and inspectors of the general election, of one thousand eight hundred and thirty-six, at which election it shall be lawful for the qualified electors of the same to vote for inspectors, to act at the next succeeding general election, and at the election of electors of President and Vice President of the United States, and of delegates to the convention, and at the general election of one thousand eight hundred and thirty-seven, and at every general election thereafter, the said electors shall elect inspectors for the next election, and for any special election within the year.

Inspectors of the general election of 1835, in the district of Southwark to act in 1836, in conjunction with others.

proviso.

SECTION 26. That the inspectors of the general election of the year one thousand eight hundred and thirty-five, in the district of Southwark, in the county of Philadelphia, in conjunction with those whose choice and appointment are hereinafter provided for, shall be and act as inspectors of the general election in the said district, of the year one thousand eight hundred and thirty-six, and of the next ensuing election for electors of President and Vice President of the United States, and for Delegates to the Convention aforesaid: *Provided*, That in those of the wards of the said district, where neither, or less than two, of the above mentioned inspectors of the general election of eighteen hundred and thirty-five, in said district reside, it shall be the duty of the said inspector, on or before the second Tuesday in September next, to choose and appoint an inspector, or inspectors, as the case may require, for such ward, from among the qualified voters thereof respectively, so that there shall be two inspectors for each of the said wards, and the inspectors of each and every of the wards of the said district, constituted as aforesaid, shall choose and take to their assistance a judge, and appoint clerks of the election, in the manner prescribed by, and conformably to the fifth section of the act entitled "An act for dividing the incorporated district of Southwark, in the county of Philadelphia, into five wards, and for other purposes," approved the thirty-first day of March, one thousand eight hundred and thirty-six: *And*

provided also, That said judges and clerks, shall be chosen 2d Provide. and appointed at meetings of the inspectors, to be held for the purpose, in time for said judges and clerks to perform their duties enjoined by this act.

SECTION 27. That at the said general election of eighteen Southwark— hundred and thirty-six, and at every general election there- Election of after, the qualified electors of each and every of the wards inspectors. of the said district of Southwark, shall elect for their respective wards, two inspectors of the general election of the year next ensuing each of the said elections.

SECTION 28. That hereafter the inspectors to be elected City and co. as aforesaid, at the general election, in the city and county Election of of Philadelphia, shall be residents of the ward, district or town- inspectors. ship wherein they shall respectively be elected, and shall be elected by the electors of their respective ward, district or township, separately, at the windows appropriated to the same; a separate count shall be made of such elections, and duplicate returns made of the same, one to be delivered to the sheriff, who shall, within five days after the said election, cause the same to be published twice, in at least two daily papers of the city and county of Philadelphia, and the other to be deposited with the commissioners of the county of Philadelphia: *Provided*, That in case of any vacancy occur- Provide. ring by death or otherwise, among the said inspectors, it shall be the duty of the surviving, or remaining inspector of the ward, to file the same at the time of opening the polls, and when neither inspector shall act, it shall be the duty of the other inspectors of the city, district, or township, to appoint two persons, resident in the ward, to act as inspectors thereof.

SECTION, 29. That the inspectors of the general election Relative to in the said city and county, shall keep the same tally lists, the election and be furnished, beside the registry contemplated by this of electors & act, with the same lists of taxables that are now provided of delegates for by law, and it shall be the duty of the said inspectors, to the con- after said general elections, to return the original registry vention. to the sheriff, to be kept by him till the election of electors for President and Vice President of the United States, when the same shall occur in the same year, and of delegates to the convention to alter the constitution, aforesaid, when the said sheriff shall furnish the registry to the inspectors of the same, and after said election, the inspectors shall return the said original registry to the sheriff, who shall deposite the Original reg- same in the office of the clerk of the court of Common istry. Pleas, there to remain of record.

SECTION 30. That hereafter, the inspectors of the general Relating to election in the city and incorporated districts of the county the inspect- of Philadelphia, shall be and act as inspectors of the consta- ors of the bles elections, and of any and every other election in their general elec- respective ward, district, and township, (except military tion, etc.

elections, and also, excepting that the inspectors in this act before provided for, to act as inspectors of the election for electors of President and Vice President of the United States, and of delegates to the convention, for the said district of Southwark, in one thousand eight hundred and thirty-six, shall be and act as such inspectors, as aforesaid,) that shall occur or be held therein, subsequent to their election, until immediately after the then next ensuing general election.

Relating to
the assessors.

SECTION 31. That the assessors of the several wards, districts, and townships in the city and county of Philadelphia, for the year one thousand eight hundred and thirty-seven, shall be elected at the general election in one thousand eight hundred and thirty-six, and thereafter, at every general election, to serve for the ensuing year, under the same regulations as are provided by the preceding section, for the election of inspectors, and that the present assessors shall continue in office till their successors shall be elected, under the provisions of this section.

Proclamation
by the sheriff
to the elect-
ors.

SECTION 32. That in addition to the proclamation now required to be made by the sheriff of the city and county of Philadelphia, he shall give notice by proclamation, to the electors thereof, to vote for inspectors and assessors for the said wards, districts and townships of the said city and county.

Fine and im-
prisonment
for interfer-
ing improper-
ly in the
elections or
blocking up
the windows.

SECTION 33. If any person shall improperly interfere in any election held under the provisions of this act, in the city and county of Philadelphia, or shall prevent, or attempt to prevent, the judges and inspectors of any ward, district, or township, from holding an election for the same, or shall block up, or attempt to block up, the window, or avenue to any window, where the same may be holden, or shall improperly interfere with the judges and inspectors, in conducting the same, or shall riotously disturb the peace at an election, on conviction thereof, he shall be imprisoned for any term not exceeding one year, and not less than three months, and pay a fine not exceeding five hundred dollars, and if it shall be shown to the court, when the trial of such offence shall be had, that the person so offending was not a resident of the city, township, or district where the said offence was committed, and not entitled to vote therein, then, on conviction, he shall be sentenced to an imprisonment of not less than six months, and not more than eighteen months, and to the payment of a fine of not less than one, nor more than five hundred dollars: *Provided*, That nothing in this section, shall be construed to prevent the minor sons of qualified electors, from being, appearing, and distributing tickets at the polls of the said several wards, districts, and townships.

Previous.

SECTION 34. That in case any assessor of the said city and county, shall neglect, or refuse to notify the sheriff, that he has duly qualified himself to discharge the duties prescribed by this act, as he is required to do by the eighteenth section of this act, it shall be the duty of the sheriff to appoint a person, residing in the ward, district, or township, to perform the said duties, in lieu of the assessor, so neglecting or refusing, and in case any assessor or person so appointed by the sheriff, having been duly qualified, and having notified the sheriff as aforesaid, shall neglect or refuse to perform the duties prescribed by this act, it shall be the duty of the sheriff to institute a suit against such delinquent assessor, in the name of the commonwealth, to recover a penalty of five hundred dollars, which, when recovered, deducting a reasonable charge for collection, shall be paid one half into the county treasury, for county purposes, and one half into the state treasury, and if any judge or inspector shall receive the vote of any person not registered according to this act, at any election hereafter to be held, on conviction thereof, he shall be sentenced to pay a fine of not less than one, nor more than five hundred dollars, and to be imprisoned for not less than two, nor more than six months.

Duties of assessors and sheriff.

Penalty for neglect.

SECTION 35. That such of the provisions of the general election laws of this commonwealth, as are inconsistent with the sections applying to the city and county of Philadelphia, are hereby declared to be in full force therein, and that so much of the act passed the first day of April, one thousand eight hundred and thirty-six, as relates to elections, and qualifications of electors, in the city and county of Philadelphia, be, and the same is hereby repealed.

Part of act of April 1st, 1836, repealed.

SECTION 36. That in case any dwelling house, or other building or property, real or personal, shall be injured or destroyed within the said city and county of Philadelphia, in consequence of any mob or riot therein, at an election, or at any other time, it shall be lawful for the owner thereof, or his agent, to apply, if in the county, to the court of Quarter Sessions, and if in the city, to the Mayor's court, who shall thereupon, appoint six disinterested persons, who shall be sworn or affirmed, to ascertain and report the amount of said loss, and also, whether the said owner had any immediate or active participation in said mob or riot, and on such report being made, and the fact that the owner had no such participation being ascertained, and the report being confirmed, on an examination of law and fact by said court, the said report and confirmation shall be certified to the county commissioners, who shall forthwith draw their warrant on the treasury for the amount so awarded, which warrant shall be duly paid by the treasurer.

If property be injured or destroyed by mobs or riots in Philad'a. city and co., the loss to be ascertained and paid.

Sheriff and
mayor to
clear win-
dows for vo-
ters.

Penalty.

Relating to
city & coun-
ty loans, un-
der the act of
April 10th,
1834.

Treasurer of
Philad'a. co.
not to pay
certain war-
rants unless
the same
shall be first
audited and
approved by
the county
auditors.

SECTION 37. That it shall be the duty of the sheriff, or any one of the aldermen or justices of the county, and the mayor, and any one of the aldermen of the city of Philadelphia, whenever called upon by any judge or inspector of any ward, district, or township in the said city or county, respectively, or by any three electors thereof, to clear any window, or avenue to any window, at the place of the general election, which shall be obstructed in such a way as to prevent voters from approaching the same, and on neglect or refusal so to do on such requisition, the said sheriff or mayor, shall be deemed guilty of a misdemeanor in office, and be subject to a penalty of five hundred dollars, to be recovered in an action of debt, one half to the state, and one half to the informer, and it shall be the duty of the sheriff, on the day of said election, during the time for which the same shall continue, to be present, in person or by deputy, at each of the places of holding the same, in the incorporated districts and townships of the said county of Philadelphia, and to preserve the peace therein.

SECTION 38. That all loans to be hereafter authorized by the county board for the city and county of Philadelphia, in pursuance of the provisions of the act of the tenth April, one thousand eight hundred and thirty-four, it shall be the duty of the said board, when they deem it expedient, specifically to appropriate the proceeds thereof, to regulate the terms and manner in which the said loan shall be taken, and whenever the said county board shall authorize a loan, as aforesaid, and regulate the terms and manner in which it shall be taken, and appropriate the proceeds thereof, it shall be the duty of the said board, to certify and record the same, as the certificates of the rate per centum of tax, as are now certified and recorded, which said certificate shall be published, for two weeks, in at least three daily papers of the city and county of Philadelphia, and no part of the proceeds of said loan shall be paid out of the county treasury, except under such appropriations, and it shall be the duty of the county commissioners, whenever required to do so by five members of the county board, to call the said board together, or ten days notice, for the transaction of business.

SECTION 39. That from and after the first day of August next, no warrant shall be paid by the treasurer of the county of Philadelphia, drawn by the commissioners, except warrants for the pay of jurors and witnesses, unless the same shall be first audited and approved by the auditors of the said county, and for the purpose of auditing the same, the said auditors shall meet on Tuesday of every week, at ten o'clock in the forenoon, for the purpose of examining all the bills to be submitted to them by the county commissioners,

for which services they shall receive the same per diem allowance, as they now by law receive: *Provided further*, That any person aggrieved by the decision of the said auditors, may appeal to the court of Common Pleas, in such manner, and subject to the same restrictions, as appeals are now made from the judgment of justices of the peace; and on and after the first day of August next, the county commissioners of the county of Philadelphia, in lieu of the per diem allowance now paid by law, shall receive a monthly salary from the county treasury, of ninety-one dollars and fifty cents, the first payment to be made on the first day of September next.

SECTION 40. That the county treasurer of the county of Philadelphia, be, and he is hereby authorized and required to pay to John Bacon, William E. Lehman, Frederick Fraley, William Wagner, John M. Ogden, James Harper, Michael Day, James Ronaldson, Robert Patterson, Peter Williamson, George Handy, Ralph Eddoes, Henry Troth, William Wistar, Jacob Frick, Abraham Miller, and Francis Parke, who are hereby created commissioners of the sinking fund of the county of Philadelphia, twenty thousand dollars per annum, out of the proceeds of the county rates and levies, to constitute a sinking fund, to extinguish the present, and any other funded debt of the said county, which may be authorized, on or before the first day of August next, which said fund shall be invested by said commissioners of the sinking fund, in state stock, or in the stock of the bank of Pennsylvania, or the United States, the interest or dividends thereon to be paid into the county treasury, for county purposes, and in case of a vacancy occurring in the said commissioners of the sinking fund, by death, or otherwise, the same shall be supplied by the remaining commissioners: *Provided*, The substitution so to be made, shall be first approved by the court of Common Pleas of the said county.

SECTION 41. That from and after the passage of this act, the county treasurer shall have the full power and authority, now vested in the county commissioners of the said city and county, to enforce the payment of the amount received by tax collectors, and for that purpose, to employ counsel, and take such other measures as may be necessary.

SECTION 42. The county board for the city and county of Philadelphia, for the time being, shall meet at the county commissioners office, in the city of Philadelphia, on the first Monday of June, one thousand eight hundred and thirty-seven, and on the first Monday of June in every second year thereafter, between the hours of two and six in the afternoon, and then and there elect, by ballot, a county treasurer, to serve for two years from said election, who shall perform the duties, and incur the liabilities now prescribed by law for

Proviso.

Commissioners of sinking fund.

Their duties.

Vacancies.

Proviso.

Treasurer empowered to compel tax collectors to pay.

Election of county treasurer.

Not eligible for two consecutive

terms of two years.

the said treasurer, no person being eligible as county treasurer for two consecutive terms, of two years each, and the present county treasurer shall continue in office, till an election shall be held under the provisions of this act, and in case, at any time, there should be a vacancy, by death, resignation, or otherwise, in the said office, it shall be the duty of the county board for the time being, at a special meeting, to be held for that purpose, on not less than six days notice, to supply the same: *Provided*, That nothing herein contained, shall be construed to prevent the re-election of the present county treasurer, for a single term of two years.

Present treasurer.

Vacancy.

Previseo.

Jefferson co. Ross township election district.

SECTION 43. All that part of Ross township, in the county of Jefferson, lying west of a line commencing at the house of Robert Morrison, on the line of Perry township, thence north, along an old line to the Eldred township line, be, and the same is hereby erected into a separate election district, and shall hereafter hold their general elections at the house now occupied by Darius Carrier, within the said bounds.

Indiana co. commissioners to execute a deed for a lot of ground to the directors of public schools in Indiana borough.

SECTION 44. The commissioners of Indiana county be, and they are hereby authorized and required to execute a deed, for a lot of ground in the borough of Indiana, forty feet by Clymer street, and one hundred and twenty feet on Water street, to the directors of the public schools, in the district composed of the borough of Indiana, and their successors in office, for the use of school number one in said district: *Provided*, The said directors shall first purchase, or offer to purchase, at par value, from the stockholders, the stock actually paid in in the erection of the school house on said lot.

Indiana borough election.

SECTION 45. The election of all officers in and for the borough of Indiana, in the county of Indiana, that under any law of this commonwealth is now held in May, shall hereafter be held at the same time that supervisors of the highways, and the constables for the different townships in this commonwealth, are elected.

Borough auditors.

SECTION 46. That the qualified electors of the borough of Indiana, in the county of Indiana, shall, in the year one thousand eight hundred and thirty-seven, at the same time and place of electing their borough officers, elect three reputable citizens of said borough for auditors of the public accounts, and shall annually thereafter, elect one auditor, who shall hold their office for three years, except two of those to be elected at the first election, the highest of whom in vote, shall hold his office three years, the next highest two years, and the next one year, and if two or more of those elected should have an equal number of votes, their right shall be determined by lot.

SECTION 47. The said auditors shall annually meet on Annual meet-
 the first Monday of April, and shall, on oath or affirmation, ings of said
 dit and settle the accounts of the town council, treasurer, auditors.
 et commissioner, and of the overseers of the poor, in
 a same manner, and with like powers, that township
 ditors audit and settle the accounts of supervisors of town-
 ips, within this commonwealth.

SECTION 48. That all laws hereby altered or supplied, Repeal.
 far as they are inconsistent with this act, are hereby
 repealed.

SECTION 49. That the commissioners of Somerset county, Commis'srs.
 e hereby authorized to change the location of any portion of Somerset
 the state road leading from the top of the Allegheny county au-
 ountain, to the Virginia state line, situate between the thorized to
 own of Berlin and Gebhart's, in said county, if deemed change the
 necessary, in order to avoid hills. location of
 the state road

NER MIDDLESWARTH,
 Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
 Speaker of the Senate.

APPROVED—The sixteenth day of June, A. D. eighteen
 hundred and thirty-six.

JOS: RITNER.



No 186.

An Act

Relating to Reference and Arbitration.

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An act relating to Reference and Arbitration.

I. OF REFERENCE BY AGREEMENT OF THE PARTIES.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That it shall be lawful for all persons desirous, to end by arbitration, any controversy, suit or quarrel, except such as respect the title to real estate, to agree, in writing, that their submission of the same to the award or umpirage of any person or persons, shall be made a rule of any court of record of this commonwealth, having jurisdiction, which the parties shall choose, and they shall insert such their agreement in their submission, or the condition of the bond or promise whereby they may oblige themselves, respectively, to submit to the award or umpirage of any person or persons.*

SECTION 2. When any agreement shall be made as aforesaid, and inserted in the submission, or promise, or condition of the respective bond, the same shall, upon producing an affidavit thereof, made by the witnesses thereto, or any one of them, in the court of which the same is agreed to be made a rule, and filing the said affidavit in court, be entered of record in such court, and a rule shall, thereupon, be made by the said court, that the parties shall submit to, and finally be concluded by the arbitration or umpirage, which shall be made pursuant to such submission.

SECTION 3. It shall be lawful also, for the parties to any suit, to consent as aforesaid, to a rule of court, for referring all matters of fact in controversy in such suit, to referees, as aforesaid, reserving all matters of law arising thereupon for the decision of the court, and the report of such referees, setting forth the facts found by them, shall have the same effect as a special verdict, and the court shall and may proceed thereupon, in like manner as upon a special verdict, and either party may have a writ of error, to the judgment entered thereupon, as in the case of a judgment entered upon special verdict.

SECTION 4. The party against whom an award shall be made, as aforesaid, may except thereto, within such time as the court, by their rules, shall direct, for either of the following causes, and for no other, viz:

- I. That the arbitrators or umpire misbehaved themselves in the case, or
- II. That they committed a plain mistake in matter of fact, or matter of law, or
- III. That the award was procured by corruption or other undue means.

SECTION 5. If exceptions shall not be filed within the time limited, as aforesaid, or if upon exceptions filed, the court shall confirm the award, the party neglecting or refusing to perform and execute the same, or any part thereof, shall be liable to all the penalties of contemning a rule of court, when he is a suitor or defendant in such court, and the court, on motion, may issue process accordingly, or the said court may, on motion, award an execution, or executions, to carry the same into effect.

SECTION 6. In all cases where the parties to any suit shall, by themselves, their attorneys, or agents, consent to a rule of court, for referring the matters in controversy in such suit, to certain persons, mutually chosen by them, the award of such referees, if made according to the submission of the parties, being approved of by the court, and entered upon the record, shall have the same effect, and shall be deemed and taken to be as available in law as the verdict of a jury, and the party in whose favour such report shall be made, whether plaintiff or defendant, shall have judgment:

thereon, and the like process for the recovery thereof, as on a verdict in an action commenced by such party.

SECTION 7. If upon exceptions filed to any award, it shall appear to the court that the referees have made a mistake, in fact or law, it shall be lawful for such court to refer the cause back to the same referees, for such further or other proceedings therein as shall be expedient.

II. OF COMPULSORY ARBITRATION.

SECTION 8. It shall be lawful for either party in any civil suit or action, his agent or attorney, to enter at the prothonotary's office a rule of reference, wherein he shall declare his determination to have arbitrators chosen, on a day certain, to be mentioned therein, not exceeding thirty days thereafter, for the trial of all matters in variance in the suit between the parties.

SECTION 9. *Provided*, That it shall not be lawful for the plaintiff in any suit, to enter such rule, until after a declaration or statement of the cause of action shall have been filed by him.

SECTION 10. *And provided also*, That no suit or action which shall be set down for trial at any court, shall be referred (except by consent of parties) within thirty days before, nor during the sitting of such court, unless such suit or action shall have been previously continued to the next term.

SECTION 11. It shall be the duty of the prothonotary with whom any such rule shall be filed, to enter the same of record, and to deliver to the party filing the same, a copy thereof, duly certified.

SECTION 12. It shall be the duty of the party, his agent, or attorney entering the rule as aforesaid, to cause a copy of such certified rule to be served on the opposite party, his agent, or attorney, at least fifteen days before the day fixed in such rule for the appointment of arbitrators, and the manner of such service shall be, by delivering such copy to the party personally, his agent or attorney, or if the said party cannot be found, and have no agent or attorney, by leaving such copy at his last place of abode, and in the case of a corporation, such copy shall be served on the president, or other principal officer, cashier, secretary, or chief clerk of the corporation.

SECTION 13. On the day fixed for the appointment of arbitrators, if both parties attend, either in person, or by their agents or attorneys, the arbitrators shall be chosen in the following manner, viz:

I. The number of the arbitrators, which shall be either three or five, shall be fixed by the parties, or if they cannot agree, by the prothonotary: *Provided*, That the parties may agree to refer the cause to any one person whom they shall concur in choosing.

- II. If the number fixed be three, the plaintiff shall then nominate one person, if five, he shall nominate two, and if all, or either, be objected to by the defendant, he shall nominate other persons in place of those objected to, until he shall have nominated six persons for every person so allowed by him to be nominated.
- III. The defendant shall then nominate in like manner, an equal number of persons, subject in like manner, to objection on the part of the plaintiff.
- IV. If the parties agree in the choice of arbitrators, as aforesaid, the umpire shall be chosen as follows: The parties shall nominate alternately, beginning with the plaintiff, seven persons, the opposite party having the right to object to the nomination, and if all the persons thus nominated be objected to, the prothonotary shall nominate a suitable and disinterested person; if he be objected to, he shall name another, and so on, until he shall name seven persons, and if all be objected to, he shall make out a list of five such persons, and the parties shall then strike out alternately, beginning with the plaintiff, until the name of only one person be left, who shall be the umpire.
- V. If the parties cannot agree in the choice of arbitrators, as aforesaid, the prothonotary shall make out a list, containing the names of five suitable and disinterested persons for each of the number of arbitrators, so, as aforesaid, fixed upon, from which list, the parties shall strike out, alternately, beginning with the plaintiff, until the number be left which was fixed, and the persons so selected, shall be the arbitrators.
- VI. If the parties agree as to one or more of the arbitrators, and differ as to one or more, the like proceedings shall be had to supply the deficiency, and complete the number of arbitrators so fixed upon.

SECTION 14. If only one of the parties attend on the day fixed for the appointment of the arbitrators, the proceedings shall be as follows:

- I. If the party attending be the party by whom the rule of reference was entered, proof shall be made that the notice was duly served on the opposite party, in the manner hereinbefore provided, and the proof of the service shall be the oath or affirmation of the person by whom it was made.
- II. It shall be the duty of the prothonotary, to fix the number of the arbitrators, to nominate, for the absent party, and to object to the nominations made by the party present, if he shall think it necessary.
- III. If in such case, all the persons nominated on either side shall be objected to, the like proceedings shall be had for the choice of arbitrators, as if both parties were present,

except that the duties required to be performed by the prothonotary in such case, shall be performed by the recorder of deeds, the sheriff, coroner, or treasurer of the proper county.

SECTION 15. The day, hour, and place of meeting of the arbitrators, shall be fixed by the parties, if present, and able to agree thereupon, but otherwise, it shall be the duty of the prothonotary to determine the same: *Provided*, That in such case, the day and meeting shall not be less than ten, nor more than twenty days after their appointment.

SECTION 16. It shall be the duty of the party by whom the rule of reference shall have been entered, to procure from the prothonotary a certified copy of the record, containing the names of the arbitrators, and the time and place of their meeting, and to serve a copy of the same on each of the arbitrators, and also on the opposite party, if he reside within the city or county, and if not, upon his agent or attorney, giving at least ten days notice previous to the day of meeting.

SECTION 17. If only one of the parties shall attend on the day appointed for the meeting of the arbitrators, and the arbitrators, or one or more of them, shall attend, the proceedings shall be as follows:

- I. If the party attending be the party by whom the rule of reference was entered, proof shall be made that due notice of the time and place of meeting was given to the opposite party, as hereinbefore provided.
- II. If the party absent shall have been prevented from attending by sickness, or other unavoidable cause, and notice thereof shall be given to the arbitrators or arbitrator present, of the sufficiency of which cause such arbitrators or arbitrator shall judge, an adjournment shall take place, to such subsequent time as the said arbitrators or arbitrator shall fix.

SECTION 18. If the whole number of arbitrators shall not attend on the day appointed for the meeting, the proceedings shall be as follows:

- I. Proof shall be made that due notice of the time and place of meeting was given to the arbitrator or arbitrators absent, as hereinbefore provided.
- II. If both parties be present, either in person, or by their agents or attorneys, the place of the arbitrator or arbitrators absent, may be supplied by the parties aforesaid, if they can agree upon suitable persons.
- III. If the parties shall be unable to agree, the arbitrator or arbitrators present, shall appoint a suitable person or persons to fill the vacancy.

IV. If one of the parties be absent, and no sufficient reason be assigned, as aforesaid, for such absence, it shall be lawful for the arbitrators or arbitrator present, to appoint a suitable person or persons to fill the vacancy.

SECTION 19. When the whole number of the arbitrators shall be assembled, they shall be sworn or affirmed, justly and equitably to try all matters in variance, submitted to them, which oath or affirmation, may be administered to them by any person having authority to administer oaths, or in the absence of such person, by one of their number.

SECTION 20. As soon as the arbitrators shall have heard the evidence and allegations of the parties, they shall proceed to determine the matters in controversy, submitted to them, and they shall make out their award, which shall be signed by all, or a majority of them, and shall transmit the same to the prothonotary, within seven days after they shall have agreed upon the same.

SECTION 21. Arbitrators appointed as aforesaid, shall not be entitled to receive any daily pay, or other compensation, unless they make their report, and transmit the same to the prothonotary, within seven days after they shall have agreed upon the same.

SECTION 22. *Provided*, That if one of the arbitrators aforesaid shall die, or become incapable, or shall refuse to attend to the duties of his appointment, or shall remove or depart from the county, it shall be lawful for the remaining arbitrators, to proceed with the cause, and make an award, if they can agree upon the same; but if they cannot agree thereupon, it shall be lawful for them to appoint an umpire, and the umpire so appointed, together with the said arbitrators shall proceed with the cause and make an award.

SECTION 23. It shall be the duty of the prothonotary receiving such award, forthwith to enter the same, of record in the proper dockets.

SECTION 24. Every award so entered, shall have the effect of a judgment, with respect to the party against whom it is made, from the time of the entry thereof, and shall be a lien upon his real estate, until reversed upon appeal, or satisfied according to law.

SECTION 25. *Provided*, That the court may, after appeal, allow the plaintiff to suffer a non-suit, with like effect as if the cause had not been referred, as aforesaid, if the special circumstances of the case shall appear to require it.

SECTION 26. It shall be lawful for the court to set aside an award of arbitrators, on due proof—

- I. That the arbitrators misbehaved themselves in the course of the hearings before them.
- II. That the award was procured by corruption, or on undue means.

SECTION 27. Either party may appeal from an award of arbitrators, to the court in which the cause was pending at the time the rule of reference was entered, under the following rules, regulations and restrictions, viz:

- I. The party appellant, his agent, or attorney, shall make oath or affirmation, that "it is not for the purpose of delay such appeal is entered, but because he firmly believes injustice has been done."
- II. Such party, his agent or attorney, shall pay all the costs that may have accrued in such suit or action.
- III. The party, his agent or attorney, shall enter into the recognizance hereinafter mentioned.
- IV. Such appeal shall be entered, and the costs paid, and recognizance filed, within twenty days after the day of the entry of the award of the arbitrators on the docket.

SECTION 28. *Provided,* That if the party against whom any award shall be made as aforesaid, not being the party by whom the rule of reference was taken out, shall apply by petition, to a judge of the court in which such action is depending, and shall therein set forth, that by reason of poverty, he is unable to pay the costs of the suit, as aforesaid, and shall make affidavit of such facts, it shall be lawful for such judge, after due notice to the opposite party, if he shall be satisfied of the truth of the statements in such petition, to make an order, that the appeal of such party in the case, shall be good, although the costs shall not be paid by him, as aforesaid.

SECTION 29. If the plaintiff be the appellant, he shall, by himself, his agent or attorney, with one or more sufficient sureties, be bound in recognizance to the defendant, the condition of which shall be, that if he shall not, in the event of the suit, recover a sum greater, or a judgment more favorable to him than the award of the arbitrators, he shall pay all costs that shall accrue in consequence of said appeal, and one dollar for every day lost by the defendant in attending on such appeal.

SECTION 30. If the defendant be the appellant, he shall, by himself, his agent or attorney, with one or more sufficient sureties, in the nature of special bail, be bound in recognizance to the plaintiff, the condition of which shall be, that if the plaintiff in the event of the suit, shall obtain a judgment for a sum equal to or greater, or a judgment as, or more favorable than the award of the arbitrators, the said defendant shall pay all the costs that may accrue in consequence of the said appeal, together with the sum or value of the property or thing awarded by the arbitrators, with one dollar for every day that shall be lost by the plaintiff in attending to such appeal, or in default thereof, that the said defendant shall be surrendered to the jail of the proper county.

SECTION 31. *Provided*, That in all cases in which executors, administrators, or other persons suing or sued in a representative character, or minors, shall be the party appellant from an award, the appeal shall be good, without payment of costs, or entering in cognizance, as aforesaid, if such appellant shall not have taken out the rule of reference.

SECTION 32. The costs to be paid by the appellant, as hereinbefore required, may nevertheless, be taxed in the appellant's bill, and recovered of the adverse party, if, in the event of the suit, the appellant is entitled to recover costs, agreeably to the provisions of this act.

SECTION 33. No appeal as aforesaid, shall be withdrawn, without the consent, in writing, of the opposite party first had and obtained, and it shall be the duty of the prothonotary to whom such written consent may be delivered, to file the same among the records in the cause.

SECTION 34. If the appeal as aforesaid, shall not be entered within the time hereinbefore limited, it shall be the duty of the prothonotary, at the request of the party in whose favor the award shall have been made, to issue execution, or such other process as may be necessary and proper, to carry into effect the judgment entered upon such award, subject nevertheless, to the provisions of the law concerning the stay of execution upon judgments.

SECTION 35. In all suits or actions in which the prothonotary of the court shall be a party, or in which he may be interested, the duties hereinbefore required to be performed by him, shall be performed by the recorder of deeds, the clerk of the Orphans' court, the sheriff, coroner, or treasurer of the same county.

SECTION 36. If the party by whom a rule of reference shall be entered, his agent or attorney, shall fail to cause a copy of the certified rule, or of the record containing the names of the arbitrators, and of the time and place of meeting, to be served, as is hereinbefore required, he shall, for every such default, forfeit and pay the sum of twenty-five dollars, one half to the use of the county, and the other half to the use of the person who will sue for the same: *Provided*, That nothing herein contained, shall be deemed to deprive the court of the right of setting aside any award obtained without due notice, as aforesaid, or shall interfere with the right of the party to recover such damages as he may have sustained.

SECTION 37. If any person appointed an arbitrator, and residing within the county, having received due notice of his appointment, shall fail to attend and take upon himself the duties of the appointment, unless prevented by sickness, or other unavoidable cause, he shall, for every such default, forfeit and pay the sum of two dollars, to be recovered by either party, who shall first sue for the same: *Provided*,

That no arbitrator shall be compelled to serve on more than ten appointments in any one year.

SECTION 38. On the trial of any cause, after an appeal from an award of arbitrators, it shall not be lawful for the appellant to produce as evidence in court, any books, papers, or documents, which he had in his power to produce at the time of the arbitration, and withheld from the arbitrators, after being required by the arbitrators to produce the same.

III. GENERAL REGULATIONS RESPECTING REFEREES AND ARBITRATORS.

SECTION 39. Nothing in this act contained, shall be taken to authorize the entering a rule of arbitration in either of the following cases, viz:

- I. Appeal to a Register court.
- II. Issues directed to any court to ascertain a fact or facts.
- III. Actions upon bail bonds, and recognizances.
- IV. Actions upon penal statutes.
- V. Actions brought by the commonwealth, unless such rule be entered by the Attorney General, or his deputy, with his consent, in writing.

SECTION 40. Referees and arbitrators in every case, as aforesaid, or a majority of them, shall have power—

- I. To require from either party the production of all such books, papers, and documents as they shall deem material to the cause.
- II. To judge of the competency and credibility of witnesses, and the propriety of admitting any written evidence that may be offered.
- III. To administer oaths or affirmations to witnesses.
- IV. To adjourn their meetings from day to day, or for a longer time, and also from place to place, if they shall think proper.
- V. To decide both the law and fact that may be involved in the cause submitted to them.

And each of the arbitrators shall have power to issue subpoenas to witnesses, to appear before them, and if any person who shall have been duly subpoenaed to attend as aforesaid, shall neglect or refuse to attend, a majority of the arbitrators shall have power to issue an attachment against such person, according to the practice of the courts.

SECTION 41. The form of the subpoena in such case, shall be as follows, to wit:

County, ss.

The Commonwealth of Pennsylvania,

To

Greeting:

We command you, that laying all business and excuses aside, you be and appear in your proper person, before A, B, C.,

D, &c. arbitrators (or referees, as the case may be,) appointed to hear and determine all the matters in variance in a certain action, wherein E F is plaintiff, and G H is defendant, at the house of , in , on the day of next, then and there to testify, all and singular, those things which you shall know, on behalf of the plaintiff; (or defendant, as the case may be;) hereof fail not, under penalty of three hundred dollars:

Witness my hand, this day of , A. D.
Signed, R L, (one of the arbitrators.)
(or as the case may be.)

SECTION 42. The form of an attachment, shall be as follows:
County, ss.

The Commonwealth of Pennsylvania,
To the constable of :

We command you, that you take , late of your county, aforesaid, and have him forthwith before A, B, C, D, &c. arbitrators (or referees, as the case may be,) appointed to hear and determine all matters in variance in a certain action, wherein E F is plaintiff, and G H defendant, at the house of , in , then and there to answer to such matters and things as shall be objected against him. and not depart without leave:

Witness my hand, this day of , A. D.,
Signed, R I, } Arbitrators.
E F. }
(Or as the case may be.)

SECTION 43. Referees or arbitrators, as aforesaid, or a majority of them, shall also have power to punish, by fine, not exceeding twenty dollars, all persons, whether parties, witnesses or others, who shall be guilty of disorderly conduct in their presence, or who shall insult, disturb or interrupt the said referees or arbitrators, when in business, which fine shall be recovered as follows:

SECTION 44. The said referees or arbitrators, or a majority of them, shall make out a certificate, in the following form, viz:—

We, the undersigned referees, (or arbitrators, as the case may be,) do certify, that A B did this day, at , in the county of , before us, conduct himself in a disorderly manner, (or as the case may be,) tending to insult, disturb and interrupt us in the trial of a certain cause, wherein C D is plaintiff, and E F is defendant, for which offence we have fined him, the said A B, the sum of dollars, which sum you are hereby required to collect, according to law:

Witness our hands, this day of , A. D.
Signed, G H, } Arbitrators,
J K, } or
L M. } referees.

SECTION 45. The certificate aforesaid, shall be transmitted to an alderman or justice of the peace of the proper city or county, who is hereby required to make a record thereof, and issue execution to collect the same, in the manner that judgments under one dollar are by law collected, and the sum, when collected, shall be paid by such alderman or justice to the county treasurer, for the use of the county in which the offence may have been committed.

SECTION 46. The prothonotary of the court in which the suit shall be depending, or any alderman or justice of the peace, shall have power to issue subpoenas for witnesses to appear before the arbitrators.

SECTION 47. It shall be the duty of the prothonotary of the proper court, on application by either party, his agent or attorney, to enter a rule, to take the depositions of aged, infirm, going, or absent witnesses, or witnesses out of the commonwealth, to be read in evidence, either before referees or arbitrators, or to the jury, in case of an appeal from an award of arbitrators, in the same manner, and subject to the same rules and regulations, as are now observed in the courts of this commonwealth.

SECTION 48. In every case in which application shall be made by either party, to referees or arbitrators, for the postponement of a meeting or hearing, it shall be lawful for the said referees or arbitrators, or a majority of them, if satisfied of its justice, to require from the party making such application, the payment of the costs of the meeting, including the pay of the arbitrators, and the attendance of witnesses, previous to granting such application, according to the practice of the courts in like cases.

SECTION 49. Every referee and arbitrator, shall be entitled to receive the sum of one dollar for every day necessarily employed by him in the hearing and determination of the cause submitted to him.

SECTION 50. If either party, his agent or attorney, or any other person in his behalf, shall, after the appointment of any referee or arbitrator, attempt to corrupt or influence such referee or arbitrator, by privately endeavouring, either in conversation, by correspondence, or otherwise, to bias his mind or judgment in favour of such party, he shall forfeit and pay a sum not less than fifty dollars, and not more than one hundred dollars, to be recovered by indictment in the court of Quarter Sessions of the proper county, one half of which fine shall be for the use of the prosecutor, and the other half for the use of the proper county, saving to the other party his right to recover such damages as he may have sustained.

SECTION 51. If any referee or arbitrator shall, directly or indirectly, take or receive any gift or gratuity whatever, from either party in the cause, or from any person in his

behalf, to find an award in his favour, or in consideration of having found such award, such referee or arbitrator, shall forfeit and pay ten times the value of the thing so taken, one half to the commonwealth, and the other half to the person that will sue for the same, and shall also be liable to prosecution by indictment, as for a misdemeanor: *Provided*, That nothing herein contained, shall debar the party aggrieved, of his action to recover the damages he shall sustain, in all cases where the penalty aforesaid, shall be recovered at the suit of another person.

SECTION 52. The fees to be allowed to constables, and other persons, for services performed in pursuance of the provisions of this act, shall be the same as the fees allowed by law for similar services, and the like penalty shall be inflicted for neglect of duty, as in other cases.

SECTION 53. All fines and forfeitures incurred under any of the provisions of this act, shall, unless it be otherwise provided, be sued for, before an alderman or justice of the peace, in the same manner that debts of equal amount are recoverable.

SECTION 54. The provisions of this act relative to compulsory arbitrations, shall not be so construed as to extend to the District court for the city and county of Philadelphia.

SECTION 55. This act shall take effect on the first day of September next.

NER MIDDLESWARTH,

Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,

Speaker of the Senate.

APPROVED—The sixteenth day of June, A. D. eighteen hundred and thirty-six.

JOS: RITNER.

No. 187.

An Act

Relating to Insolvent Debtors.

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JURISDICTION OF THE COURTS, AND HOW EXERCISED.

SECTION 1. *Be it enacted by the Senate and House of
 Representatives of the Commonwealth of Pennsylvania in
 General Assembly met, and it is hereby enacted by the
 authority of the same, That the several courts of Common
 Pleas of this commonwealth, shall have power to grant
 relief to insolvent debtors residing, or being within this
 commonwealth, on application made in the manner herein-
 after provided.*

SECTION 2. The jurisdiction of the said courts may be
 exercised as follows, and not otherwise, viz:
 In the case of a person arrested or detained by virtue of
 any process issued in any civil suit or proceeding, for the
 recovery of money or damages, or for the nonperformance
 of any decree or sentence for the payment of money, with-
 out collusion with the plaintiff, the court of Common Pleas
 of the county in which such debtor shall be arrested or
 detained, shall have power to grant relief as aforesaid.

II. In the case of a person held on a bail piece issued in such suit or proceeding, the court of Common Pleas of the county in which the suit was instituted, shall have power to grant relief, as aforesaid.

III. In the case of a debtor not arrested, detained, or confined, as aforesaid, such power may be exercised by the court of Common Pleas of the county in which such debtor resides.

SECTION 3. But no debtor shall be entitled to relief under this act, unless he shall have resided within this commonwealth, for six months immediately preceding his application to the court, or shall have been confined in jail for six months immediately preceding such application.

II. PROCEEDINGS TO OBTAIN A DISCHARGE FROM CONFINEMENT OR CUSTODY.

SECTION 4. It shall be lawful for any judge of the court of Common Pleas aforesaid, or for the prothonotary of such court, to make an order for discharge of any debtor arrested, detained, or held by virtue of any process or bail piece aforesaid, on his giving a bond to the plaintiff in such suit or proceeding in such amount, and with such security as shall be approved by such judge or prothonotary.

SECTION 5. The order of the judge or prothonotary aforesaid, shall direct the officer or other person having such debtor in custody or confinement, forthwith to discharge such debtor, on his paying the jail fees, if any be due.

SECTION 6. The condition of the bond to be given aforesaid, shall be, that the said debtor shall appear at the next term of the court of Common Pleas of the said county, and then and there present his petition, for the benefit of the insolvent laws of this commonwealth, and comply with the requisitions of the said law, and abide all the orders of the said court in that behalf, or in default thereof, and if he fail in obtaining his discharge as an insolvent debtor, that he shall surrender himself to the jail of the said county.

SECTION 7. The officer or other person having such debtor in confinement or custody, shall be exonerated, on making a return of the order aforesaid, on the process by which such debtor was held, and such order being filed with any officer or magistrate, by whom any bail piece was issued, shall entitle the bail to be exonerated, as effectually as if the debtor had been surrendered and confined in prison on such bail piece.

SECTION 8. *Provided*, That nothing herein contained shall prevent a debtor arrested on a bail piece, from giving new bail, according to law, and obtaining his release thereby.

OF THE PETITION, AND PROCEEDINGS THEREON.

9. Every petition for relief, as aforesaid, shall be accompanied with the following schedules:

Statement of all the estate, effects and property of the petitioner, wheresoever situate, and of whatsoever kind.

Statement of the debts due by him, containing the names of his creditors, the amount due to each, and the nature or character of the debt, so far as he can ascertain the same.

Statement of the causes of his insolvency, and of the nature of his losses, if any.

The facts set forth in such petition and statements, to be verified by the oath or affirmation of the petitioner.

10. It shall be the duty of the court to which such petition may be presented, to fix a time for the hearing of the same, either by a general rule, or by an order made in the particular cause, if the circumstances of the case shall require it.

11. Notice of the time and place fixed for the hearing, as aforesaid, shall be given by the petitioner to his creditors at least fifteen days before such hearing, either by personal service, or by advertisement published in one or more newspapers, as the court may direct.

12. At the time and place fixed for the hearing, the petitioner shall exhibit to the court a just and true statement of his debts, credits and estate, whatsoever, and wheresoever situate, and if so required, shall produce all vouchers and papers in his possession, or under his control, relating to his business and estate, and shall answer all questions that may be put to him by the court, or (under their leave) by the part of his creditors, touching the same, and shall declare by the court that he has not concealed or conveyed away from him or whomsoever, for the use of himself, or any of his friends, or whereby to expect any future benefit, any part of his estate, effects or credits.

13. If upon examination of the petitioner as aforesaid, there shall not arise a strong presumption of fraud, and if the petitioner shall in other respects appear to be honest, the court shall direct an oath or affirmation, in the following form, to be administered to such petitioner. I, B., do (swear or affirm) that I will deliver up and assign to my trustees, for the use of my creditors, all my estate, real and personal, that I have, or claim any title to, or interest in, at this time, and all debts, rights, and claims which I now have, or shall hereafter be in any respect entitled to, in possession, reversion, remainder, or otherwise, and that I have not, directly or indirectly, at any time, given, sold, conveyed, leased, disposed of, or otherwise aliened any part of my property, rights, or claims, to any person, or persons, whereby to defraud my creditors, or any of them, or

to secure, receive, or expect any profit, benefit, or thereby."

SECTION 14. The petitioner shall thereupon, as assignment of all his estate, property, and effects to such trustees as may be nominated by two-thirds of the number and value of the creditors then attending, either in person or by attorney, or in default of such nomination, be appointed by the court.

SECTION 15. When such assignment shall be executed, the court shall make an order that the petitioner not at any time thereafter, be liable to imprisonment on reason of any judgment or decree obtained for the payment of money only, or for any debt, damages, costs, or expenses of money, contracted, accrued, or occasioned and due at the time of such order.

SECTION 16. The order of the court as aforesaid shall be a sufficient warrant for the discharge of the petitioner from imprisonment, if he shall be in confinement at the time of such order, or shall be at any time afterwards arrested by virtue of process in any action or proceeding for the recovery of any debt or demand, as aforesaid, on his giving bail, or of attorney, if arrested on mesne process, to appear in such action, and plead thereto.

SECTION 17. *Provided*, That if the petitioner be in custody or confinement at the time of such order, and if process issued upon any judgment obtained against him in an action founded upon actual force, or upon actual fraud, deceit, or in an action for a libel or slander, malicious prosecution or conspiracy, or in an action for seduction, or for an indecent conversation, where the damages found by the jury exceed the sum of one hundred dollars; or if such petitioner shall be afterwards arrested by virtue of process issued upon any such judgment obtained against him previous to such order, he shall not be entitled to be discharged from imprisonment or arrest, until he shall have been in confinement, during a term of at least sixty days.

SECTION 18. It shall also be lawful for the court, upon the application of the trustees of any insolvent, to make an order for the appearance of such insolvent, at a certain time and place as may be fixed by the court, to answer interrogatory, or otherwise, to such questions as may be propounded on the part of the said trustees, touching the estate and property of such insolvent at the time of his commitment to the said trustees, and to enforce their attendance on the premises, by attachment.

SECTION 19. It shall be lawful for the court, either before or after the discharge of any petitioner as aforesaid, to make an order upon such petitioner to produce and deposit with the prothonotary of the court, or with the clerk of the court, all books, documents, papers, and muniments of title

possession; or under his control, relating to the estate and property of such petitioner, and to enforce such order by attachment.

OF THE POWERS AND DUTIES OF THE TRUSTEES, AND OF DISTRIBUTION AMONG THE CREDITORS OF AN INSOLVENT.

SECTION 20. Every trustee of an insolvent as aforesaid, shall, before acting as such, give bond to the commonwealth, with such penalty, and with such security as shall be satisfactory to the court, with condition for the faithful execution of his trust.

SECTION 21. It shall be the duty of the said trustees, immediately after giving bond as aforesaid, to give notice of their appointment, in at least one newspaper published in the same county, during at least four weeks, together with their names and places of abode, and they shall in such notice, require all persons indebted to such insolvent, or holding property belonging to him, to pay and deliver all such sums of money and property due, and belonging to such insolvent, to the said trustees, and they shall also therein desire all creditors of the insolvent, to present their respective accounts and demands.

SECTION 22. No action or other legal proceedings instituted against any such debtor, and pending at the time of the appointment of a trustee or trustees, as aforesaid, shall abate thereby, but the same shall be continued by, and enure to the benefit of such trustee or trustees.

SECTION 23. The trustees of such insolvent, shall have power to compound with his debtors, in case of controversy, and to settle the same, by arbitration or otherwise, and the same right to set-off shall exist, where there shall be mutual debts between the insolvent and such debtors, as in other cases.

SECTION 24. It shall be the duty of such trustees, forthwith to proceed to collect the debts, and to convert the real and personal estate of such insolvent into cash, and within twelve months from the time of their appointment, to make distribution of the nett proceeds thereof, in the manner hereinafter directed: *Provided*, That it shall be competent for the court, on application by such trustees, to enlarge the time for such distribution, or to order distribution from time to time, if any legal proceeding should be pending, or any estate or effects of such insolvent should remain undisposed of, or be recovered after the period fixed for such distribution.

SECTION 25. It shall be the duty of the trustees, to appoint certain time and place for receiving the proofs of the creditors, in support of their respective claims, of which public notice shall be given, and on the day so appointed, they shall proceed to receive the proof of the several creditors, and shall determine upon the same, and having stated their

to secure, receive, or expect any profit, benefit, or advantage thereby."

SECTION 14. The petitioner shall thereupon, execute assignment of all his estate, property, and effects whosoever to such trustees as may be nominated by two-thirds in number and value of the creditors then attending, either in person or by attorney, or in default of such nomination, as shall be appointed by the court.

SECTION 15. When such assignment shall have been executed, the court shall make an order that the petitioner shall not at any time thereafter, be liable to imprisonment on account of any judgment or decree obtained for the payment of money only, or for any debt, damages, costs, or charges of money, contracted, accrued, or occasioned and due at the time of such order.

SECTION 16. The order of the court as aforesaid, shall be a sufficient warrant for the discharge of the petitioner from imprisonment, if he shall be in confinement at the time of such order, or shall be at any time afterwards arrested by virtue of process in any action or proceeding for the recovery of any debt or demand, as aforesaid, on his giving a recognizance of attorney, if arrested on mesne process, to appear in such action, and plead thereto.

SECTION 17. *Provided*, That if the petitioner shall be in custody or confinement at the time of such order, by virtue of process issued upon any judgment obtained against him in an action founded upon actual force, or upon actual fraud, deceit, or in an action for a libel or slander, malicious prosecution or conspiracy, or in an action for seduction, or for criminal conversation, where the damages found by the jury shall exceed the sum of one hundred dollars; or if such petitioner shall be afterwards arrested by virtue of process issued upon any such judgment obtained against him previously to such order, he shall not be entitled to be discharged from imprisonment or arrest, until he shall have been in such confinement, during a term of at least sixty days.

SECTION 18. It shall also be lawful for the court, upon the application of the trustees of any insolvent, to make an order for the appearance of such insolvent, at such time and place as may be fixed by the court, to answer upon interrogatory, or otherwise, to such questions as may be propounded on the part of the said trustees, touching the estate and property of such insolvent at the time of his assignment to the said trustees, and to enforce their orders on the premises, by attachment.

SECTION 19. It shall be lawful for the court, either before or after the discharge of any petitioner as aforesaid, to make an order upon such petitioner to produce and deposit with the prothonotary of the court, or with the trustees, all books, documents, papers, and muniments of title,

possession, or under his control, relating to the estate and property of such petitioner, and to enforce such order by attachment.

IV. OF THE POWERS AND DUTIES OF THE TRUSTEES, AND OF DISTRIBUTION AMONG THE CREDITORS OF AN INSOLVENT.

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SECTION 21. It shall be the duty of the said trustees, immediately after giving bond as aforesaid, to give notice of their appointment, in at least one newspaper published in the same county, during at least four weeks, together with their names and places of abode, and they shall in such notice, require all persons indebted to such insolvent, or holding property belonging to him, to pay and deliver all such sums of money and property due, and belonging to such insolvent, to the said trustees, and they shall also therein desire all creditors of the insolvent, to present their respective accounts or demands.

SECTION 22. No action or other legal proceedings instituted by any such debtor, and pending at the time of the appointment of a trustee or trustees, as aforesaid, shall abate thereby, but the same shall be continued by, and enure to the benefit of such trustee or trustees.

SECTION 23. The trustees of such insolvent, shall have power to compound with his debtors, in case of controversy, and to settle the same, by arbitration or otherwise, and the same right to set-off shall exist, where there shall be mutual debts between the insolvent and such debtors, as in other cases.

SECTION 24. It shall be the duty of such trustees, forthwith to proceed to collect the debts, and to convert the real and personal estate of such insolvent into cash, and within twelve months from the time of their appointment, to make distribution of the nett proceeds thereof, in the manner hereinafter directed: *Provided*, That it shall be competent for the court, on application by such trustees, to enlarge the time for such distribution, or to order distribution from time to time, if any legal proceeding should be pending, or any estate or effects of such insolvent should remain undisposed of, or be discovered after the period fixed for such distribution.

SECTION 25. It shall be the duty of the trustees, to appoint a certain time and place for receiving the proofs of the creditors, in support of their respective claims, of which public notice shall be given, and on the day so appointed, they shall proceed to receive the proof of the several creditors, and shall determine upon the same, and having stated their

IV. That if any person indebted to such insolvent, or having possession of any of his property, shall bona fide pay the said debt, or deliver the said property to the said insolvent, before public notice given by the said trustees, as herein provided, and without having had actual notice or knowledge of such petition or assignment, he shall not be liable to pay or deliver the same to such trustees.

V. That every insolvent shall be entitled to retain all such articles as may by law be exempted from levy and sale, upon execution.

SECTION 36. If any insolvent as aforesaid, shall, prior to such assignment, have conveyed or transferred any part of his real or personal estate to his wife and children, or either of them, or to any person in trust for them, or either of them, or shall have conveyed or transferred the same to any other person, with intent to defraud his creditors, the trustees aforesaid, shall have power to recover and dispose of the same, as fully and effectually, as if the said insolvent had been actually seized or possessed thereof at the time of such assignment.

SECTION 37. Personal property of the wife of any such insolvent, which shall not have been reduced by him into possession, previously to his assignment as aforesaid, shall not be deemed to vest in the said trustees, but the beneficial interest in the same, shall remain to such wife, and it shall be lawful for the court, at the time of such assignment, or at any subsequent time, to appoint a suitable person to act in her behalf, as trustee, in whom such property shall vest, for her use.

SECTION 38. Every such debtor shall be entitled, notwithstanding his assignment, in conformity to this act, to retain for the use of himself and his family, all such articles as are or may be by law exempted from levy or sale on any execution, or from distress for rent, and the property in such articles, shall not pass to his trustees.

SECTION 39. If any such debtor shall satisfy the claims of his creditors, the court shall order his estate and effects not sold, to be restored to him, or his legal representatives, and he shall, by virtue of such order, be seized or possessed thereof as of his former estate, and title thereto, and if upon the final settlement of accounts by the trustees, there shall be a surplus, after payment of all the claims presented and allowed, the same shall be paid to such debtor, or his legal representatives.

VII. OF THE AFTER-ACQUIRED PROPERTY OF AN INSOLVENT.

SECTION 40. The real and personal estate acquired by any debtor, after his discharge, as aforesaid, or in which he shall

thereafter become entitled to any interest, legal or equitable, (except such as may by law be exempted from execution,) shall be subject to his debts, engagements, and other liabilities, in like manner, in all respects, as if such discharge had not taken place, and it shall be lawful for any of his creditors, to issue and execute any new or other process against such real or personal estate, for the satisfaction of their respective claims, in the same manner as they might have done if such debtor had never been taken in execution.

SECTION 41. Whenever a majority in number and value of the creditors of any insolvent, as aforesaid, residing within the United States, or having a known attorney therein, shall consent in writing, thereto, it shall be lawful for the court by whom such insolvent shall have been discharged, upon the application of such debtor, and notice given thereof, in the manner herein before provided for giving notice of his original petition, to make an order, that the estate and effects which such insolvent may afterwards acquire, shall be exempted for the term of seven years thereafter, from execution, for any debt contracted, or cause of action existing previously to such discharge, and if, after such order and consent, any execution shall be issued for such debt, or cause of action, it shall be the duty of any judge of the court from which such execution issued, to set aside the same, with costs.

VII. OF CRIMINAL PROCEEDINGS AGAINST INSOLVENTS.

SECTION 42. If it shall appear to the court, upon the hearing of any petition, as aforesaid, either by the examination of the petitioner, or other evidence, that there is just ground to believe either—

First, That the insolvency of the petitioner arose from losses by gambling, or by the purchase of lottery tickets, or

Second, That such petitioner had embezzled or applied to his own use, any money, or other property with which he had been entrusted, either as bailee, agent, or depository, and to the prejudice of the opposing creditors, or

Third, That he has concealed any part of his estate or effects, or colluded or contrived with any person for such concealment, or conveyed the same to any person, for the use of himself, or of any of his family or friends, or with the expectation of receiving any future benefit to himself or them, and with intent to defraud his creditors, in every such case, it shall be the duty of the court to commit such person to the jail of the county, for trial at the court of Quarter Sessions of the same county.

SECTION 43. If such debtor shall, upon trial, be convicted of any of the acts mentioned in the preceding section, he shall be adjudged guilty of a misdemeanor, and shall be sentenced as follows:

I. If found guilty of embezzlement or concealment of property, as aforesaid, he shall be sentenced to undergo an imprisonment in the penitentiary, at hard labor, for a term not less than one, nor more than seven years, at the discretion of the court.

II. If it shall appear by the verdict of the jury on such trial, that the insolvency of the petitioner was caused by gambling, or the purchase of lottery tickets, as aforesaid, he shall be sentenced to imprisonment in the jail of the county, for a term not less than three months, nor more than three years, at the discretion of the court.

SECTION 44. If no bill shall be presented to the grand jury at the next sessions, or if the bill shall not be found, or if the indictment shall not be tried at the second session after the commitment of such petitioner, (unless the postponement or the trial take place at the instance of such petitioner,) or if upon trial, such debtor be acquitted, it shall be the duty of the court of Common Pleas to discharge him from imprisonment, upon his proceeding as is hereinbefore provided.

SECTION 45. If any person, with intent to defraud the creditors, or any of them, or any debtor, shall collude, or contrive with such debtor for the concealment of any part of his estate or effects, or for giving a false color thereto, or shall contrive or concert any grant, sale, lease, bond, or other instrument or proceeding, either in writing or by parol, or shall become a grantee, purchaser, lessee, obligee, or other like party, in any such instrument or proceeding, with the like fraudulent intent, or shall act as broker, scrivener, agent, or witness, in regard to such instrument or proceeding, with the like intent, such persons, on conviction thereof in the court of Quarter Sessions of the proper county, shall forfeit and pay a sum not exceeding ten thousand dollars, and shall suffer imprisonment for a term not more than two years, and shall moreover, forfeit all claim which he may have to any part of the estate of such debtor.

SECTION 46. If any such debtor shall be convicted of perjury, in respect to any oath or affirmation taken by virtue of this act, he shall be liable to arrest and committal, on mesne process, and to be charged in execution, in the same manner as if he had not before been arrested or taken in execution, or as if he had not made application for the benefit of this act, and moreover, such person shall never afterwards be entitled to his discharge as an insolvent debtor, by virtue of this act.

IX. WHEN RELIEF MAY BE GIVEN TO PERSONS SENTENCED BY A CRIMINAL COURT.

SECTION 47. The court of Common Pleas of any county, in which any person may be confined, by sentence or order

of any court of this commonwealth, until he restore any stolen goods or chattels, or pay the value thereof, or in which any person may be confined for nonpayment of any fine, or of the costs of prosecution, or upon conviction of fornication or bastardy, and for no other cause, shall have power to discharge such person from such confinement, on his making application, and conforming to the provisions herein before directed in the case of insolvent debtors: *Provided*, That where such persons shall have been sentenced to the payment of a fine, or after a conviction of fornication and bastardy, he shall not be entitled to make such application, until after he shall have been in actual confinement, in pursuance of such sentence, for a period not less than three months.

SECTION 48. Every person who shall be confined in any jail of this commonwealth, in execution or otherwise, for any debt, sum of money, fine or forfeiture, not exceeding in amount the sum of fifteen dollars, exclusive of costs, and who shall have remained so confined for the space of thirty days, shall be discharged from such confinement, if there be no other cause of confinement, and shall not be liable to imprisonment again for the same cause: *Provided*, That the estate and effects of such person shall, notwithstanding such discharge, be liable for such debt, or other cause of imprisonment, in like manner as before.

SECTION 49. This act shall go into effect on and after the first day of September next.

NER MIDDLESWARTH,

Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,

Speaker of the Senate.

APPROVED—The sixteenth day of June, A. D. one thousand eight hundred and thirty-six.

JOS: RITNER.

No. 188.

An Act

For the relief of the heirs of Hugh Johnston, and Margaret Patterson.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the State Treasurer be, and he is hereby authorized and required to pay to the heirs and legal representatives of Hugh Johnston, late of the county of Cumberland, a soldier of the revolutionary war, two hundred dollars, in lieu of a tract of donation land, due to him for his revolutionary services, upon due proof being made, to the satisfaction of the State Treasurer, of their being the legitimate and legal heirs of the said Hugh Johnston.

State Treas-
urer to pay
heirs of Hugh
Johnston,
\$200.

SECTION 2. That the State Treasurer be, and he is hereby authorized and required to pay to Margaret Patterson, M. Patterson widow of Alexander Patterson, late of the borough of Easton, deceased, the sum of three hundred and forty-one dollars and ninety-three cents, the amount of a certain warrant, dated the sixth of February, eighteen hundred and eighteen, drawn by William Findley, and directed to Richard M. Crain, then State Treasurer, in favour of her late husband, the said Alexander Patterson, deceased, for his damages against the commonwealth, for land situate in the seventeen townships of Luzerne county, taken from him, and certified to Connecticut claimants, under the authority of the several acts of assembly in such case provided, and which warrant appears never to have been paid.

State Treas-
urer to pay to
M. Patterson
\$341 93.

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The sixteenth day of June, Anno Domini, one thousand eight hundred and thirty-six.

JOS: RITNER.

No. 189.

An Act

To authorize Isaac C. Worrell and Richard Stout, surviving trustees for the Free Will baptists of the borough of Frankford, to sell certain real estate, and to authorizing the church wardens of the Protestant Episcopal church of Morgantown, in the county of Berks, to sell and convey certain real estate, and for other purposes.

WHEREAS, William Singleton and Hannah H. his wife, Preamble.
by indenture, dated the first of January, Anno Domini, one thousand eight hundred and eighteen, did grant and convey unto certain persons in said deed named, in trust for the Free Will baptists of the borough of Frankford, in the county of Philadelphia, a certain lot of ground, containing sixty-seven perches, more or less, subject to the payment of an annual rent charge of twenty-one dollars; *And whereas*, the said congregation have erected on said lot a house of worship, at considerable expense, and have not now the means of paying therefor; Therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in Free Will General Assembly met, and it is hereby enacted by the authority of the same,* That Isaac C. Worrell and Richard Stout, surviving trustees for the Free Will baptists of the borough of Frankford, in the county of Philadelphia, be, and they are hereby authorized and empowered, upon reasonable notice of the time and place of sale, to sell and convey the said lot of ground, situated in said borough of Frankford, containing sixty-seven perches, more or less, with appurtenances thereunto belonging, and apply the proceeds of said sale toward the payment of the just debts against said congregation: *Provided*, Said trustees shall, before making any such sale as aforesaid, give bond, in the name of the commonwealth, with such security, and in such sum as the Orphans' court in and for said county of Philadelphia may approve, the condition of which shall be, that the said trustees do faithfully perform their duties, and account for all monies coming into their hands as such trustees. Trustees of Free Will baptists authorized to sell lot of ground in borough of Frankford, for certain purposes.

WHEREAS, the members of the Protestant Episcopal church of Morgantown, in the county of Berks, own a certain lot of ground, containing about one acre, bounded by lands of Benjamin Gehman, which said lot is detached from and useless to said church; *Therefore*, Proviso.
Protestant Episcopal church, Morgantown.

SECTION 2. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the* Preamble.

Church war- *authority of the same*, That the church wardens of the Pro-
dens empow- testant Episcopal church of Morgantown, in the said county
ered to sell of Berks, or a majority of them, are hereby authorized and
certain lot of empowered to sell said lot of ground for the best price that
ground.

Proviso.

purchasers thereof: *Provided*, That the said wardens shall vest the proceeds of the sale thereof in real estate, or other sufficient security, and apply the interest only to church purposes.

Title to a cer-
tain lot of
ground vest-
ed in the
county of
Schuylkill.

SECTION 3. That the title to a certain piece or lot of ground, situate adjoining to the borough of Orwigsburg, bounded by lands of late Abraham Augstodt, of late, John Hammer and James Wier, and others, containing seven acres and forty three perches, more or less, conveyed by Abraham Augstodt to William Huntzinger, by deed, dated twenty second day of September, eighteen hundred and twenty-four, and assigned by said Huntzinger to John Seltzer, Abraham Augstodt, and John Reed, then commissioners of the said county of Schuylkill, which said deed and assignment, are recorded in the office for recording of deeds in said county, in deed book No. five, pages thirty-three and thirty-five, be, and is hereby vested in the county of Schuylkill; and that the commissioners of said county, or a majority of them, may lawfully sell and convey said lot or piece of ground, for the best price that can reasonably be obtained therefor, and by such conveyance, vest the title thereto in such purchaser.

Commiss'rs.
may sell, &c.

Commiss'rs.
of Potter co.
empowered
to execute
deeds for cer-
tain lands
sold by them.

SECTION 4. Whereas, the commissioners of the county of Potter, having sold two tracts of land in said county, the property of said county, one situated in the township of Harrison, which has been sold to Dennis Hall, the other in Eulalia township, sold to Jonathan Edgecomb, and there being no law to authorize the conveyance of said land, that the said commissioners be, and are hereby authorized and empowered, to make and execute to the purchasers of said lands good and sufficient deeds of conveyance, for all the right, title and interest which said county had in said lands.

Court of
Common
Pleas of Phil-
ad'a. co. au-
thorized to
direct trus-
tees or as-
signees of
T. Lyons, of
said county,
to convey
certain lot to
Geo. Miller.

SECTION 5. That the court of Common Pleas of Philadelphia county, is hereby authorized and empowered, upon the application of George Miller, of the district of Southwark, in the said county, for the purpose, to make an order and decree, directing and requiring the trustees or assignees of Thomas Lyons, of the county aforesaid, appointed on his being discharged under the insolvent laws of this commonwealth, or the trustee or assignee, or trustees or assignees of the said Thomas Lyons, that may hereafter be substituted and appointed in the place of the said trustees or assignees, or either of them, in case of their death, renunciation or dismissal, or of the death, renunciation or dismissal of either of them, to convey to the said George Miller, in fee simple, all that certain lot

or piece of ground situated on the west side of Second street, Situation and continued in the district of Southwark, and county of Phila- boundaries. delphia, at the distance of twenty feet southward from the south side of Wharton street, containing in front or breadth, on the said Second street, twenty feet, and in length or depth, westwardly, between parallel lines, one hundred feet, to an alley, twenty feet wide, opening into Wharton street, bounded northward by ground of John R. Fenwick, eastward Second street aforesaid, southward by ground formerly of John Lemer, and westwardly by the said alley. and to make and execute to the said George Miller, a good and sufficient deed of conveyance, in fee simple, for the same; and such Deed. trustee or assignee, or trustees or assignees, shall thereupon make, execute and deliver to the said George Miller, such deed and conveyance accordingly: *Provided however*, That Proviso. before the said court shall make the aforesaid order and decree, it shall be made appear that the said Thomas Lyons had, previously to his taking the benefit of the insolvent law, as aforesaid, sold, or contracted, or agreed to sell or convey the above described lot or piece of ground, to the said George Miller, and that he, the said Thomas Lyons, had re- Court to ap- ceived payment in consideration for the same, and for the point com- purpose of ascertaining the facts of the case, the said court missioner to shall have power to appoint a commissioner to take the evi- take evidence dence, and report thereon to the said court.

SECTION 6. That all indictments or civil actions now Cases where- depending, or hereafter to be preferred or instituted in any in the city of of the courts of civil or criminal jurisdiction within the Pittsburgh is city of Pittsburgh, or county of Allegheny, wherein the city interested, to of Pittsburgh may be interested, directly or indirectly, or to be tried in wherein the validity of any regulation of a street or alley in Dist. Court. said city, made either before or since its incorporation as a city, may be brought in question, although the said city of Citizens of Pittsburgh may not by its corporate name, be a party to the Pittsburgh ex- record, shall be tried in the District court of Allegheny cluded as ju- rors. county, before a jury, from which all persons resident or owning real property in said city, shall be excluded.

SECTION 7. In all such cases, the certificate of the Certificate of Mayor's court of the city of Pittsburgh, or of the president Mayor's c't., judge of the fifth judicial district, composed of the said or of judge of county of Allegheny, that the indictment or civil cause 5th judicial proposed to be removed, is, in his opinion, within the district, evi- dence. meaning of the first section of this act, shall be conclusive evidence of the jurisdiction of the said District court in Indictment such case, and thereupon, the indictment, and all papers and papers connected therewith, if it be a criminal case, or the original to be trans- writ, declaration, and all papers connected therewith, if it mitted. be a civil case, shall be transmitted to said District court.

SECTION 8. If upon the trial of any indictment or court action under the authority of this act, questions of law shall

Parties may be raised by either party, the decision thereof by the Dis-
 appeal to Su-strict court, shall not be final, but either party may appeal
 preme court. from such decision, to the Supreme court. upon entering
 Recogniz'nce into recognizance into the District court, for the payment
 to be entered of all costs, in case the judgment of the Supreme court should
 be adverse to such appellant, and filing of record, at the
 Reasons for same time, a specification of his reasons for entering the ap-
 appealing to peal; and the said District court shall have power to take the
 be filed. recognizances of the defendant or witnesses in any indict-
 Powers of ment which may be removed to said court. for the purpose of
 District c't. securing their attendance upon the trial thereof, and
 passing sentence, when the verdict of the jury shall be
 against the defendant.

Executors of SECTION 9. That Hester Earnest, and Elizabeth Earnest,
 J. Earnest and Margaretta Earnest, executors of the last will and
 empowered testament of Jacob Earnest, late of the city of Philadelphia,
 to sell or let deceased, and the survivors or survivor of them, and the
 on ground heirs, executors and administrators of the survivor, are
 rent a certain hereby authorized and empowered to sell and convey in fee
 lot of ground simple, or otherwise, or to let on ground rent, all the
 in Philad'a. estate, and right, title and interest of the said Jacob Ear-
 nest, of, in and to all that certain lot or piece of ground,
 situate on the south side of Walnut street, at the distance of
 fifty-three feet eastward from the east side of Schuylkill
 Eighth street, in the city of Philadelphia, containing in
 front or breadth on said Walnut street, seventeen feet eight
 inches, and extending that breadth southward, between
 parallel lines, one hundred and nine feet; that the said
 executors, and the survivors or survivor of them, and the
 heirs, executors and administrators of such survivor, shall
 have full power and authority to execute deeds to the
 purchaser or purchasers thereof: *Provided however*, That
 before the sale or the said letting on ground rent, shall be
 valid, and the conveyances of the said estate and interest
 made, the said executors, or the survivors and survivor of
 them, and the heirs, executors and administrators of such
 survivor, shall give such security for the faithful application
 of the proceeds thereof, according to the directions of the
 said will of the said Jacob Earnest, as the Orphan's court
 of the county of Philadelphia shall and may direct.

Administrators of J. C. SECTION 10. That it shall be lawful for Hiram B. Roberts
 Whitelock, and Erastus Kellogg, administrators of the estate of Jonathan
 authorized to of Tiogo, deceased, to sell and dispose of all the right and
 sell a certain title which the said Jonathan C. Whitelock, at the time of
 lot of land in his decease, had to a certain lot of land in said township,
 Tioga co. being the same lot on which said Whitelock resided at the
 time of his decease, which sale shall be made at such time
 and in such manner, as the Orphans' court of said county
 shall direct, on petition to them presented for that purpose.

1 said court are hereby authorized to make such orders Orphans' c't. relation to said sale, and the proceeds thereof, and to to direct sale require such security from said administrators in the premises, & disposition of proceeds. to them shall seem proper.

SECTION 11. The deed or deeds made by said adminis- Deeds of ad- tors, to the purchaser or purchasers at such sale, shall be m'rs. as good good and available in law, and have the same force and as if made by ect, as if said sale had been made by order of said Orphans' phans' court, under the existing laws of this common- court. alth.

SECTION 12. That from and after the passage of this act, Authority of authority of the commissioners named in the act entitled commiss'rs. in act appointing commissioners to open and construct a to open road id in Lycoming county, from Carpenter's mill in Loyal- in Lycoming ck, to Hogland's mill, in Elkland township, shall cease co. to cease. d determine, and their control over any monies appropri- ed by said act.

SECTION 13. The supervisors of Elkland, Loyalsock and Supervisors epburn townships, are authorized to receive any monies of certain appropriated by the said act, and not already applied by townships in d commissioners, and remain in the county treasurer's Lycoming co. nds, and such as the county treasurer may hereafter to receive ceive of the said appropriation; and said county treasurer monies un- authorized and required to pay the said monies, on appropriated by mand, to the supervisors of said townships. of road.

SECTION 14. That James Dunlop and George A. Madeira, Corporators d such persons as they may associate with them, are here- of Franklin declared to be a body corporate, by the name of the Edge-tool Franklin Edge-tool factory, and besides the usual incidents factory. a corporation, shall have power to hold, purchase, lease, Not to hold nsfer, mortgage and dispose of such lands as are neces- more than 10 ry to the proper management of the said company, not acres of land. ceeding ten acres.

SECTION 15. That the said company shall have authority Powers and manufacture edge-tools, within the precincts of the county privileges. Franklin, in this state, and to do all matters and things rich may appertain to the proper management of said com- ny, and to make such by-laws as may be necessary for e government thereof.

SECTION 16. That the capital stock of said company shall Capital stock t exceed seventy thousand dollars, divided into shares of \$70,000, e hundred dollars each, and that as soon as two hundred d fifty shares thereof are subscribed, and the sum of ten llars on each share is paid unto the said James Dunlop d George A. Madeira, for the uses and purposes of said rporation, and the same is certified by them to the Gover- When letters r of this commonwealth, he is hereby authorized, by let- patent may rs patent, under his hand and seal of this state, to create issue. e subscribers, and such as may thereafter subscribe to the ck of said company, into one body politic and corporate,

Name & title. by the name and title of "The Franklin Edge-tool Factory;" that the instalments shall be paid up as agreed upon in writing, by the said subscribers, or designated by the by-laws, and if after thirty days personal or public notice in the newspapers, of the time and place appointed for the payment of any instalment of the capital stock, any stockholder shall neglect to pay such instalment, at the place and time appointed, for thirty days after the time so appointed, the said instalments, and the money paid thereon, may be forfeited by the company, and may be sold for the benefit thereof.

Directors. SECTION 17. That the board of directors, who are not to exceed five in number, and a majority of whom shall be a quorum, shall have the management and controul of said company, and shall declare dividends of the nett profits thereof, at such times as the by-laws shall direct, to elect a president, and such other officers as may be necessary; that said directors shall be elected at such time and place, and in such manner, as the by-laws may direct, and shall continue in office one year, and until others are elected in their places, and accept to discharge the duties of director; that no person can be a director that is not a stockholder.

Dividends.

Directors must be stockholders.

Manner of voting. SECTION 18. That all stockholders may vote personally or by proxy, and each stockholder shall be entitled to a vote for each share of stock which he may hold.

Stock transferable. SECTION 19. That the stock of said company shall be assignable and transferrable, according to such rules as the board of directors may establish, but no stockholder indebted to the company, shall be permitted to make a transfer, or receive a dividend, until such debt is discharged, or otherwise arranged, to the satisfaction of the directors.

Examination may be made by stockholders. SECTION 20. That the stockholders may meet at any time they may please, and examine into the management and situation of said company, and may, being a majority of the whole number, make, alter and amend the by-laws, or may designate a committee of the stockholders to do so, and the board of directors, when called on by said stockholders, shall make an exhibit of the affairs of the company, in writing.

Directors to make statement of affairs.

Contracts of stockholders with J. Dunlop and Geo. Madeira. SECTION 21. That the said subscribers or stockholders either before the obtaining of the charter or afterwards, may make such contracts and arrangements with the said James Dunlop and George A. Madeira, or either of them, as may be expedient for the purchase or lease of the real estate or stock in trade of said James and George, or either of them, as may be deemed proper and necessary for the full prosecution of the object of said incorporation; or the said subscribers or stockholders, may contract with the said James and George, to enable the said James and George to subscribe the value of the whole, or part of their stock and lands, held by them, or either of them, necessary for the prosecution of said

ks, as part of the capital stock of said company, but in
h case, such subscription shall not be considered as forming
portion of the seventy shares, the subscription of which
necessary for the procuring of said charter.

SECTION 22. That the said company shall pay a tax of Tax.
nt per cent. on all dividends of the profits thereof exceed-
six per cent. into the treasury of the commonwealth.

SECTION 23. This act shall remain in force, until the first When char-
of July, eighteen hundred and fifty, and no longer. ter expires.

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The sixteenth day of June, Anno Domini, one
usand eight hundred and thirty-six.

JOS: RITNER.

No. 190.

An Act

authorize suit to be brought upon the official bond of William
B. Mitchell, late superintendent.

SECTION 1. *Be it enacted by the Senate and House of
representatives of the Commonwealth of Pennsylvania in
general Assembly met, and it is hereby enacted by the
hority of the same,* That every person or persons who Manner of
have been aggrieved by the failure of William B. Mit-bringing suit,
ll. superintendent of the Columbia railroad, to pay him, and against
them, any sum or sums due by the commonwealth to such whom.
son, shall and hereby is authorized to bring suit upon the
cial bond of the commonwealth, of the said William B.
chell, and his sureties, in the same manner as suits are
ught upon the bonds of administrators, in which the like
ceedings shall be had, to secure to each person aggrieved,
recovery of his claim; and all the rights and interests of Right of con-
commonwealth in the said bond, are hereby transferred monwealth
such person or persons, for the purpose aforesaid, and if transferred.
amount of the said bond, should it be decided that the
gors are liable thereon, shall be insufficient to pay such
sons, the same shall be divided among such persons,

according to the amount of the claims, which such person shall establish to the satisfaction of the court, according to equity and justice.

Certified copy of bond, evidence.

SECTION 2. A copy of said bond, duly certified by the Secretary of the Commonwealth, under his seal of office, shall be admitted as legal evidence in any suit or suits that shall be brought thereon.

Certain land adjoining Pittsburgh made a city district.

Boundaries and description.

SECTION 3. That a tract of land, adjoining to and bounded in part by the eastern bounds of the city of Pittsburgh shall be set off, defined by limits, and surveyed, in the manner and for the purposes hereinafter specified, as a city district, for the said city, the boundaries and description whereof shall be as follows: Beginning at the south eastern corner of the said city, in the Monongahela river, thence to the middle of the said river, to a point opposite to the mouth of the two mile run, thence by a straight line, carried to the mouth of the said run, and over the house of William Farrow, to the intersection of the straight line, with the southern boundary line continued, of the borough of Northern Liberties, thence by the said southern boundary line, to the eastern boundary line of the said city, and thence by the same to the place of beginning; and the said city district, so set off and defined, shall be subdivided into sections, in the manner hereinafter prescribed, subject to the following limitations, viz: No section shall contain more than sixty, or less than thirty acres, and the boundary lines of each shall be made to conform, when such conformity can be conveniently obtained, with the lines or streets bounding the same, laid out through the property of individual owners, nor shall any section be made to be partly on one side, and partly on the other side of the Farmers and Mechanic's turnpike, or of the Pittsburgh and Coal Hill turnpike, as the same are now located through the said city district.

Subdivided into sections.

Sections—how laid out.

Sections, in the manner hereinafter prescribed, subject to the following limitations, viz: No section shall contain more than sixty, or less than thirty acres, and the boundary lines of each shall be made to conform, when such conformity can be conveniently obtained, with the lines or streets bounding the same, laid out through the property of individual owners, nor shall any section be made to be partly on one side, and partly on the other side of the Farmers and Mechanic's turnpike, or of the Pittsburgh and Coal Hill turnpike, as the same are now located through the said city district.

Court to appoint commissioners to perform duties enjoined in this act.

SECTION 4. The court of Quarter Sessions of the county of Allegheny, be, and they are hereby authorized and required, at any time before the first day of June next, to elect and appoint three discreet and disinterested freeholders as commissioners for the said city district, none of whom shall reside or own real estate in the same, who shall take and subscribe an oath or affirmation, before one of the judges of the said court, or any alderman of the said city, well and lawfully to perform the duties required by this act, to the best of their abilities, without favor or partiality; and in case of the death, resignation, or inability to act, of any of the commissioners appointed as aforesaid, before the intended purposes of this act shall have been fulfilled, it shall be lawful for the said court to appoint another, or other persons to supply his, or their places, who, being qualified as aforesaid, shall have the same power as the commissioners appointed at the first instance, by the said court.

Vacancies—how filled.

SECTION 5. The said commissioners, appointed and qualified as aforesaid, shall proceed, taking to their assistance an able and competent surveyor, to survey and mark out by its limits, the said city district, and to make a subdivision of the same into sections, according to the boundaries, description, direction, and restrictions herein before specified and contained, and the said commissioners shall have power, and they are hereby directed and required, to make and lay out a general plan of the said district, to survey, locate, and mark therein such streets, alleys and squares as they shall think proper, giving to the same such arrangement and dimensions as shall, in their judgment, be best calculated to meet the wants and convenience of any future population, and the said commissioners shall cause to be erected, or inserted at suitable points within the said district, land marks, of durable materials, from which the boundary lines of the said district, sections, streets, alleys, and squares; contained in the said general plan, may at any time be retraced and determined, securing the same, as far as may be, from injury or displacement: *Provided nevertheless,* That all streets, lanes and alleys within the said district, which shall have been, previous to the making of the said plan, laid out, and appropriated by private persons, or otherwise, for public use, or for the use of the owners of lots fronting thereon, or adjacent thereto, shall be adopted, inserted in, and made part of the said general plan, with such increase of width and extension, as the said commissioners may think, in any case, necessary and expedient.

SECTION 6. The said commissioners, when they shall have completed their surveys, and shall have determined the limits and location of the said sections, streets, alleys, and squares, to be contained in the said general plan, shall cause to be made a correct map or plan of the same, with such description and explanations as may be necessary to a perfect understanding of the same, and shall return it to the court of Quarter Sessions aforesaid, and it shall be the duty of the clerk of the said court, to receive and file the said map or plan in his office, for public inspection and examination, and to give notice, in at least two newspapers, published in the city of Pittsburg, that on a certain day appointed by the court, the said court will hear any objections which may be made thereto, by any of the freeholders owning property in the said district, who shall consider themselves aggrieved by the adoption of the same, and the said court, after hearing the objections, shall adjudge and determine whether the same shall be fully established, or whether any, and what alterations shall be made in the same, and after such determination, shall direct the said map or plan, with such alterations as shall have been made, to be recorded, and thenceforth, the said map or plan shall be taken and

Commis'rs.

surveyor.

Plan of dis-

trict to be

made.

Land marks

to be erected.

Proviso re-

specting

streets, lanes

and alleys

already laid

out.

Map or plan

to be filed in

office of clerk

of Quarter

Sessions.

Time to be

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tions.

Court to de-

termine

whether re-

port shall be

established.

Proviso.

wards or districts, so as to make the number of the taxable inhabitants of the said wards as nearly equal as may be: *Provided nevertheless*, That the said division shall be made at least thirty days before the times appointed for holding the city elections for the said city.

Disposition
of sections
not received
into city.

SECTION 12. Such sections of the city district aforesaid, as shall not have been admitted into the said city agreeably to the provisions of this act, shall, until such admission shall have been declared, be deemed and taken as parts of the district and township to which the same belong and are annexed, or shall hereafter belong and be annexed.

Repeal.

SECTION 13. So much of any law or laws of this commonwealth, as is hereby altered or supplied, is hereby repealed, and no more.

Peter Dreher,
guardian of
certain mi-
nors, author-
ized to sell
certain lands
in Schuylkill
and Dauphin
counties.

SECTION 14. That it shall and may be lawful for Peter Dreher, of Schuylkill county, guardian of Daniel Dreher, Rebecca Dreher, Lucy Ann Dreher, and Maria Dreher, and Bonneville Dreher, all minor children of Philip Dreher, senior, to sell and convey, by sufficient deeds and assurances in the law, all the right, title, interest and claim of said minor children, of, in and to a certain tract of land, situate in Lower Mahantongo township, Schuylkill county, and in Lykens township, Dauphin county, being the interest of the said minors in the undivided moiety of the tract of land situate as aforesaid, which was purchased by Daniel Dreher, one of the executors of Peter Dreher, deceased: *Provided*, The said Peter Dreher, shall invest the monies arising from the sale of the interest of said minors, in the purchase of other lands in Schuylkill county.

Proviso.

Snow-shoe
and Packer-
ville turnpike
road.

SECTION 15. That it shall and may be lawful for the president, managers and company of the Snow-Shoe and Packersville turnpike road, to connect the eastern end of their road with the Bellefont and Philipsburg turnpike, at any point they may consider most advantageous to the interests of said company.

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The sixteenth day of June, Anno Domini, one thousand eight hundred and thirty-six.

JOS: RITNER.

No. 191.

An Act

Relating to executions.

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40. Sheriff shall endorse the day of the month, year and hour of the day whereon he received the writ.

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42. The officer shall give six days notice of the sale, by at least six handbills.

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44. Upon a levy of real estate, he shall summon an inquest, to ascertain if rents and profits will satisfy the judgment within seven years.

45. But the defendant, &c. may waive an inquisition.

46. The officer shall give five days notice of holding of such inquisition, &c.

47. Inquisition shall be held on the premises, if required.

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48. If the clear profits of the real estate will pay in seven years, the officer shall proceed to assess the yearly value, and make return.

49. Upon such return, the plaintiff may have a writ of liberari facias to deliver such real estate to him, &c.

50. The sheriff shall deliver the actual possession, if the defendant be in possession, or a tenant, by demise, subsequent to the judgment.

51. Lands shall be extended according to the priority of the judgment, if two or more executions be in the hands of the sheriff at the same time, but an extent shall not be disturbed by a subsequent writ of liberari facias.

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55. If it appear that the plaintiff has been overpaid, the court shall adjudge him to repay the excess.

56. If it appear that the plaintiff has not received the amount of his judgment, he may retain the possession, &c.

57. The plaintiff may account and surrender the estate, whenever he shall be fully paid.

58. If any other debt be recovered against defendant during the extent, which cannot also be satisfied within seven years from the judgment, the court may award a venditioni exponas.

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62. But before the sale, the sheriff shall give notice of it by handbills, &c.

63. And also by advertisement, in two newspapers.

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79. The prothonotary shall enter it upon record, and re-deliver the writ to the sheriff.

80. Testatum writs shall be a lien on real estate, during five years from the date of such entry.

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86. The court from which the execution issued, shall have power, after notice, to determine disputes relating to the distribution of the proceeds of sale.

87. The court shall direct an issue to settle any fact connected with such distribution, if requested, in writing.

88. The whole record shall be returned upon a writ of error, and persons aggrieved by the decree of distribution, may take exceptions, &c.

89. Any person aggrieved by a decree of distribution, may appeal, within twenty days, to the Supreme court.

90. If a writ of error be not taken within twenty days, the court may order the money to be paid, according to the decree.

91. Persons suing a writ of error, or appealing, shall make affidavit, and give security.

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107. The justices to issue their warrant to the sheriff to summon a jury, and also the defendant.

108. If the defendant make default of appearance, the justices shall require proof of the service.

109. If the defendant appear, or was duly summoned, the justices and jury shall proceed, &c.

110. The justices shall make a record of the required facts, if found, and award the possession.

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112. The justices shall then issue their warrant to the sheriff, to deliver possession.

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An act relating to executions.

I. OF THE TIME DURING WHICH EXECUTION OF A JUDGMENT MAY BE HAD, AND OF A SCIRE FACIAS QUARE EXECUTIONEM NON.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That execution of any judgment may be had, at any time within a year and a day from the first day of the term at which it was rendered: Provided, That if there be a stay of execution, the period aforesaid shall be computed from the expiration of such stay.*

SECTION 2. After the expiration of the period aforesaid, no execution shall be issued upon any judgment, unless the party against whom it shall have been rendered, his heirs, executors or administrators, shall be first warned by a writ of scire facias, to show cause, if any he or they have, why an execution should not issue upon such judgment.

II. OF THE STAY OF EXECUTION.

SECTION 3. In all actions instituted by writ for the recovery of money due by contract, or of damages arising from a breach of contract, except actions of debt and scire facias upon judgments, and actions of scire facias upon mortgages, if the defendant shall be possessed of an estate in fee simple, within the respective county, worth, in the opinion of the court, the amount of the judgment recovered therein, or the sum for which the plaintiff may be entitled to have execution by virtue thereof, clear of all incumbrances, he shall be entitled to a stay of execution upon such judgment, to be computed from the first day of the term to which the action was commenced, as follows, to wit:

- I. If the amount or sum aforesaid, shall not exceed two hundred dollars, six months.
- II. If such amount or sum shall exceed two hundred dollars, and be less than five hundred dollars, nine months.
- III. If such amount or sum shall exceed five hundred dollars, twelve months.

SECTION 4. Every defendant in any judgment obtained as aforesaid, may upon entering security, in the nature of special bail, have a stay of execution thereon, during thirty days from the rendition of such judgment, and if during that period, he shall give security, to be approved of by the court, or by a judge thereof, for the sum recovered, together with interest and costs, he shall be entitled to the stay of execution hereinbefore provided, in the case of a person owning real estate.

SECTION 5. In amicable actions, the defendant shall be entitled to like stay of execution, if he possess an estate in fee simple, or give security as aforesaid, and in such cases, the stay shall be computed from the date of their agreement, unless it be otherwise provided therein by the party.

SECTION 6. No execution shall issue upon any judgment on special cases, for the security of the demand.

SECTION 7. Execution shall not be stayed upon any judgment in any civil action or proceeding, by reason of any writ of error from the Supreme court to any other court of this commonwealth, unless the plaintiff in such writ, or some one in his behalf, with sufficient sureties, shall become bound by recognizance, to the party in whose favor such judgment shall be given, with condition to prosecute such writ of error with effect, and if the judgment be affirmed, or

the writ of error be discontinued, or non prossed, to pay the debt, damages and costs, (as the case may be.) adjudged accruing upon such judgment, and all other damages and costs that may be awarded upon such writ of error.

SECTION 8. *Provided, 1.* That the preceding section shall not extend to any writ of error brought by an executor or administrator, or by any guardian in behalf of his ward, or by any other person suing or defending in a representative character: *And provided, 2.* That if a writ of error in any such case shall be issued, served, and bail entered as aforesaid, within three weeks from the day on which the judgment shall be entered, such writ of execution shall be stayed and superseded, upon the payment of costs, although the service or execution thereof shall have begun, and if such execution shall have been fully executed, the defendant therein may have from the court which issued the same, a writ of restitution of the proceeds thereof, as the case may require.

III. OF PROCEEDINGS TO DISCOVER THE DEFENDANT'S EFFECTS.

SECTION 9. It shall be lawful for the plaintiff in any judgment for the recovery of money obtained in any court of this commonwealth, to have a bill for the discovery of the real and personal estate of the defendant in such judgment.

SECTION 10. Such bill may be filed against the defendant in the judgment, and against any person having possession of such real or personal estate, or who may owe, or be accountable for the same, or may have knowledge of the same, and shall be filed in the court of Common Pleas of the county in which such judgment may be; or if the person of whom discovery may be sought, shall reside out of such county, such bill may be filed in the court of Common Pleas of the county where such person shall reside.

SECTION 11. Every such bill shall set forth—

- I. The recovery of a judgment, as aforesaid, and the amount actually due thereon.
- II. That there is reason to believe that the defendant in such judgment has real or personal estate, wherewith the same may be satisfied.
- III. That such real estate has been conveyed, transferred, or incumbered, or that such personal estate has been removed, transferred, or concealed, or that by reason of concealment, or fraudulent transfer, or incumbrance thereof, the complainant is prevented from having execution of his judgment.
- IV. If such bill shall be filed against any person other than the defendant in such judgment, it shall set forth also, that such person has possession or knowledge of such real or personal estate, or that he can make discovery of such facts as will enable the plaintiff to have satisfaction of his judgment.

SECTION 12. But no such bill shall be filed, unless the complainant therein shall make oath or affirmation, to be filed therewith, that he verily believes the facts set forth therein to be true.

SECTION 13. The complainant in such bill may also, either in the said bill, or by interrogatories to be filed therewith, propound to the defendants therein named, such questions touching the subject matter thereof, as may be necessary or proper for the purposes thereof, and as may be according to the rules and practice of courts of equity.

SECTION 14. Upon the filing of such bill, it shall be lawful for the court, or any judge thereof in vacation, to award a writ of sciri facias to the sheriff, requiring him to make known to the defendants therein named, that they be and appear, at a certain time to be appointed by the said court, to answer the said bill, and all such interrogatories as shall be propounded to them, or shew cause why they should not, and abide the judgment of the court in the premises.

SECTION 15. But no such defendant shall be compelled to answer such bill or interrogatories, at the time so appointed, unless a copy of such bill and interrogatories shall have been served upon him, at least ten days previously thereto.

SECTION 16. It shall be lawful for the court or judge, at the time of answering such writ of scire facias, to order that a clause of capias be inserted in such writ, against the defendants, or any one or more of them, under the rules and regulations provided on the case of a garnishee in a foreign attachment.

SECTION 17. From the time of the service of any scire facias as aforesaid, upon any person other than the defendant in the judgment, the personal property of the defendant in the hands of such person, shall be bound thereby, and shall be liable to be taken in execution, at the instance of the plaintiff in such judgment, in like manner as goods or effects in the hands of the garnishee in a foreign attachment; and if such person shall transfer such personal property to any other person, after such service, he shall be liable to pay the value thereof to the complainant, out of his own proper goods and chattels.

SECTION 18. The costs of all proceedings as aforesaid, shall be within the discretion of the court, in which such bill shall be filed, who shall have power to direct payment of the same, by either of the parties, to such bill, according to the rules of equity and justice.

IV. OF THE LIABILITY OF THE DEFENDANT'S ESTATE AND PERSON TO EXECUTION.

SECTION 19. The plaintiff in every judgment which shall be obtained in any court of this commonwealth, for the recovery of money, may have execution thereof, subject to

the restrictions and qualifications herein provided, against the person and estate of the defendant, in the following order, to wit:

I. Upon the personal estate of the defendant.

II. Upon his real estate.

III. If he have neither personal nor real estate liable to execution, then upon the person of the defendant.

SECTION 20. *Provided*, That it shall be lawful for the plaintiff to have execution against the real estate of the defendant, or against his person, in the manner hitherto allowed, or at his election, he may proceed to obtain the satisfaction of his judgment out of such personal estate, as is by the act now first made liable to execution.

SECTION 21. If any person against whom a judgment in any civil action or proceedings shall have been rendered, shall be charged, committed to prison, or convicted of any crime, it shall be lawful for the plaintiff in such judgment, to have execution thereof against the real and personal estate of such person, in like manner as in other cases.

SECTION 22. The stock owned by any defendant in any body corporate, also, deposits of money in any bank, or with any person or body, corporate or politic, belonging to him, and debts due to him, shall be liable to execution, like other goods or chattels subject nevertheless, to all lawful claims thereupon, of such body corporate, or person.

SECTION 23. Goods or chattels of the defendant in any writ of fieri facias, which shall have been pawned or pledged by him as security for any debt or liability, or which have been demised, or in any manner delivered or bailed, for a term, shall be liable to sale, upon execution as aforesaid. subject, nevertheless, to all and singular, the rights and interests of the pawnee, bailee, or lessee, to the possession or otherwise, of such chattels or goods, by reason of such pledge, demise or bailment.

SECTION 24. It shall be lawful for the officer charged with the execution of any writ of fieri facias, when he can find no other real or personal estate of the defendant, to seize and take the amount to be levied by such writ, of any current gold, silver, or copper coin, belonging to the defendant, in satisfaction thereof, or he may take the amount aforesaid, of any bank notes, or current bills, for the payment of money issued by any monied corporation, at the par value of such notes.

SECTION 25 *Provided*, That such officer shall not take any coin or bills as aforesaid, from the person of the defendant, nor shall he take or retain any money, which shall have been levied by him, at the suit or instance of the defendant, upon any other execution.

SECTION 26. The following articles of property, owned by or in possession of any debtor, shall be exempt from levy or

sale, on any execution, for any debt contracted after the first day of September, one thousand eight hundred and twenty-eight, and also, for damages recovered since that day, except it be for damages done to real estate, to wit:

- I. Household utensils, not exceeding in value thirty dollars.
- II. The necessary tools of a tradesman, not exceeding in value thirty dollars.
- III. All wearing apparel of the defendant and his family.
- IV. Four beds, and the necessary bedding.
- V. A spinning wheel and reel.
- VI. A stove, with the pipe of the same, and necessary fuel for three months.
- VII. One cow, two hogs, also, six sheep, with the wool thereof, or the yarn or cloth manufactured therefrom, and feed sufficient for the said cow, hogs, and sheep, from the first day of November, until the last day of May.
- VIII. Any quantity of meat not exceeding two hundred pounds, twenty bushels of potatoes, ten bushels of grain, or the meal made therefrom.
- IX. Any quantity of flax not exceeding ten pounds, or the thread or linen made therefrom.
- X. All bibles and school books in the use of the family.

SECTION 27. The plaintiff in any such judgment, may have at the same time, thereon, a writ of fieri facias, or a writ of capias ad satisfaciendum, to levy the same, together with the costs of such execution.

SECTION 28. No writ of capias ad satisfaciendum, shall in any case be executed, where the defendant has real or personal estate within the county sufficient to satisfy the judgment, and if the defendant shall not have sufficient fully to satisfy the judgment, and costs of execution, then such writ may be executed for the deficiency, and for no more.

SECTION 29. No female shall be arrested or imprisoned by virtue of any such writ, for any debt contracted since the eighth day of February, one thousand eight hundred and nineteen, nor for any damages recovered for the breach of a contract, entered into after the passing of this act.

SECTION 30. And no citizen of this commonwealth shall be arrested or imprisoned by virtue of any such writ, for any sum of money less than five dollars and thirty-four cents, due or recovered, for the breach of any contract made since the fourth day of July, one thousand eight hundred and thirty-three.

SECTION 31. A judgment shall be deemed to be satisfied by the arrest or imprisonment of the defendant, upon a capias ad satisfaciendum, if such defendant die in prison, or escape, or be discharged therefrom by reason of any privilege, or at his own request, but the party entitled to the benefit of the judgment, may have such remedies at law for the recovery thereof, as he would have been entitled to if such capias ad:

satisfaciendum had not been issued; saving nevertheless, all rights and interests which may have accrued to any other persons, between the execution of such writ, and the death or escape of such party.

V. OF PROCEEDINGS TO LEVY STOCK DEPOSITS, AND DEBTS. DUE TO THE DEFENDANT.

SECTION 32. The proceedings to levy an execution upon stock debts, and deposits of money belonging or due to the defendant, shall be as follows, to wit:

In the case of stock, if it shall be held in another name than that of the real owner thereof, the plaintiff shall file in the office of the prothonotary of the court, an affidavit, stating that he verily believes such stock to be really the property of the defendant, and shall enter into recognizance, with two sufficient sureties, conditioned for the payment of such damages as the court may adjudge, to the party to whom such stock shall really belong, in case such stock should not be the property of the defendant.

SECTION 33. Upon the filing of such affidavit and recognizance, it shall be lawful for the prothonotary to issue process, in the nature of an attachment, against such stock, with a clause of summons to the person in whose name the same may be held, in the nature of a writ of scire facias, against garnishees in a foreign attachment, and thereupon, the plaintiff may proceed to judgment, execution and sale of the said stock, in the manner allowed in cases of foreign attachment against personal estate.

SECTION 34. The like proceedings may be had against stock owned by a defendant, and held in his own name, without the affidavit and recognizance aforesaid; and if any person shall claim to be the owner of such stock, he may, upon filing an affidavit that the stock is really his property, and entering into a recognizance, with two sufficient sureties, conditioned for the payment of such damages as the court may adjudge to the plaintiff, if such stock should really belong to the defendant, the court shall admit him to become a party upon the record, and take defence, in like manner as if he were made garnishee in the writ.

SECTION 35. In the case of a debt due to the defendant, or of a deposit of money made by him, or of goods or chattels pawned, pledged, or demise, as aforesaid, the same may be attached and levied in satisfaction of the judgment, in the manner allowed in the case of a foreign attachment, but in such case, a clause, in the nature of a scire facias, against a garnishee in foreign attachment, shall be inserted in such writ of attachment, requiring such debtor, depository, bailee, pawnee, or person holding by demise as aforesaid, to appear at the next term of the court, or at such other time as the court from which such process may issue shall appoint.

and show cause why such judgment shall not be levied of the effects of the defendant in his hands.

SECTION 36. It shall be the duty of the officer charged with the execution of such writ, to serve a copy thereof upon the defendant in such judgment, and upon every person and corporation within his proper county, named in the said writ of attachment, in the manner provided for the service of a writ of summons in a personal action.

SECTION 37. From and after the service of such writ, all stock belonging to the defendant in the corporation, upon which service shall be so made, and all debts and all deposits of money, and all other effects belonging or due to defendant, by the person or corporation upon which service shall be so made, shall remain attached in the hands of such corporation or person, in the manner heretofore practised and allowed in the case of foreign attachment.

SECTION 38. If judgment shall be given for the plaintiff in such attachment, it shall be lawful for him to have execution thereof as follows, to wit:

- I. If the property attached be stock in a corporation, as aforesaid, the execution shall be by a writ of fieri facias against the original defendant, by virtue of which, such stock, or so much thereof as shall be necessary to satisfy the judgment, and costs, may be sold by the sheriff, as in other cases.
- II. If the property attached be a deposit in money, or a debt due, as aforesaid, execution shall be had in the manner allowed in the case of effects in the hands of a garnishee in a foreign attachment.

VI. OF WRITS OF FIERI FACIAS.

1. *Of the Lien of the writ of Fieri Facias, and the Levy of it on Personal Estate.*

SECTION 39. No writ of fieri facias, or other writ of execution, shall bind the property or the goods of the person against whom such writ of execution is sued forth, but from the time such writ shall be delivered to the sheriff, under sheriff, or coroner, to be executed.

SECTION 40. Every sheriff and coroner, their deputies and agents, upon receiving any writ of fieri facias, or other writ of execution, shall, without fee for doing the same, endorse thereon the day of the month, the year, and the hour of the day whereon he or they received the same.

SECTION 41. The officer to whom any such writ may be directed, shall, if the defendant therein refuse or neglect to pay the debt, and costs, proceed to levy and sell so much of the defendant's personal estate as shall be sufficient for that purpose, and make return of his proceedings to the court, according to the command of such writ.

SECTION 42. But before making sale as aforesaid, notice thereof shall be given by such officer, during at least six days, by not fewer than six handbills, to be put up at such places as he shall deem best calculated to give information to the public of such sale.

2. Of proceedings upon a writ of Fieri Facias levied upon Real Estate.

SECTION 43. If sufficient personal estate cannot be found by such officer, he shall proceed to levy upon the defendant's real estate, or such part thereof as he may deem sufficient to pay the sum to be levied, as aforesaid, but not less than a whole tract shall be levied on.

SECTION 44. Whenever real estate shall be taken in execution, as aforesaid, by any sheriff, it shall be his duty to summon an inquest, for the purpose of ascertaining whether the rents and profits of such estate, beyond all reprises, will be sufficient to satisfy, within seven years, the judgment upon which such execution was issued, with the interest and costs of suit, and he shall make a return, in due form of law, of the inquisition so taken, to the court, with the writ.

SECTION 45. *Provided,* That the defendant in any execution, being at the time of issuing thereof the owner of such real estate, or the person owning such estate by title from him, may, by writing, filed in the proper court, dispense with and waive an inquisition, as aforesaid, and in such case, the sheriff may, after giving notice in the manner hereinafter provided, proceed to sell such real estate, upon the writ of fieri facias, before the return day thereof, without any other writ.

SECTION 46. The sheriff shall give at least five days notice of the time and place of the holding of such inquisition, to the defendant in the execution, or, if he be not found within the county, to his attorney or agent, and if the attorney or agent be not known to him, he shall give such notice by a handbill, to be fixed upon the premises.

SECTION 47. Every such inquisition shall be held on the premises taken in execution, as aforesaid, if required by the defendant, or his agent, and notice of such requisition be given to the sheriff, or other officer executing such writ.

VII. OF THE LIBERARI FACIAS, AFTER A WRIT OF FIERI FACIAS;

SECTION 48. If the clear profits of the real estate of any such defendant will, in the opinion of the inquest, be sufficient to pay the debt or damages to be levied as aforesaid, together with the costs, the sheriff, or other officer, shall

proceed, by the inquest as aforesaid, to assess the value of the yearly rents or profits of such lands beyond all reprints, and make return thereof to the court, with his writ, as aforesaid.

SECTION 49. Upon the return of such writ, with the inquisition assessing the value of the yearly rents or profits, as aforesaid, the plaintiff may have a writ of liberari facias, to deliver the said real estate, with the appurtenances, to him, at the valuation and appraisement aforesaid, to be holden by him, his executors, administrators and assigns, until such debt or damages, with lawful interest thereon, from the day of the judgment rendered, be fully levied thereout, and make return thereof, under his hand and seal, to the court.

SECTION 50. On the execution of a writ of liberari facias as aforesaid, where the defendant, or any person claiming under him by demise or title, subsequent to the judgment, is in possession of premises to be extended, the sheriff shall deliver the actual possession thereof to the plaintiff, or his agent.

SECTION 51. Lands or tenements shall be extended as aforesaid, upon execution, according to the priority of the judgments, in all cases where two or more writs of liberari facias issued thereon, shall be in the hands of the sheriff, or other officer, at the same time, for execution, but whenever any real estate shall be extended in satisfaction of any judgment, as aforesaid, such extent shall not be disturbed or discharged by virtue of any writ of liberari facias, issued upon any other judgment, whether previously or subsequently obtained.

SECTION 52. It shall be lawful for the defendant, at the expiration of the time or term for which his real estate shall be delivered, as aforesaid, to require the plaintiff, by a writ of scire facias, to settle an account of the rents, issues, and profits of such real estate, during his possession, as aforesaid, and show cause why the defendant should not have his land again.

SECTION 53. It shall also be lawful for the defendant, to have a writ of scire facias, for the purpose aforesaid, at any time during the said term, on making affidavit, to be filed of record, that he verily believes that the plaintiff has been fully satisfied for his judgment, interest, and costs.

SECTION 54. If it shall appear upon the accounting as aforesaid, that the plaintiff has been fully satisfied for the amount of his judgment, with interest and costs, after deducting for his reasonable expenses and labours, the court shall give judgment of restitution to the defendant, and shall award thereupon, a writ to deliver the premises to him.

SECTION 55. If it shall appear upon the accounting aforesaid, that the plaintiff has received more than the amount of

his judgment, interest and costs, after deducting for his reasonable labours and expenses, as aforesaid, the court shall adjudge him to pay the surplus to the defendant, and enforce the payment, by execution.

SECTION 56. If it shall appear upon the accounting as aforesaid, or in any other proceeding instituted by the defendant in the execution, to obtain possession, that the plaintiff has not received the amount of his judgment, interest and costs, as aforesaid, and that he has used reasonable skill and diligence in the management of such real estate, during the time of his occupancy, as aforesaid, it shall be lawful for him to retain the possession of such real estate, until he be fully paid and satisfied out of the same, as aforesaid, unless the defendant, his heirs or assigns, shall forthwith pay him the residue of the sum to be levied as aforesaid.

SECTION 57. It shall also be lawful for the plaintiff, whenever he shall be fully paid and satisfied for his judgment, and before the expiration of the time or term aforesaid, to settle his account in court, after notice given the defendant, and surrender to him his estate.

SECTION 58. If before the expiration of an extent made as aforesaid, any other debt or damages shall be recovered against the same defendant, his heirs, executors or administrators, which, with what remains due upon such extent, cannot all be satisfied out of the yearly profits of the real estate so extended, within seven years from such recovery, and execution be issued therefor, the sheriff, or other officer, shall certify the same, by inquisition, as aforesaid, upon the return of such writ, and thereupon, the court may award a writ of venditioni exponas, to sell such real estate.

SECTION 59. If before the expiration of an extent as aforesaid, the estate extended should be sold by virtue of any other execution, the plaintiff to whom such real estate shall be delivered, shall justly and equitably account for the rents, issues and profits actually received by him during his occupancy, and the residue of his judgment, with the interest and costs, shall be paid out of the proceeds of the sale as in other cases.

SECTION 60. If any real estate delivered to any person by virtue of any liberari facias, as aforesaid, shall, upon any lawful title or cause, and without any fraud, collusion, or other default, be recovered or lawfully taken from the possession of such person, his executors, administrators or assigns, before he, or they, shall have levied and recovered the whole debt or damages for which real estate was delivered in execution, as aforesaid, it shall be lawful for him, his executors or administrators, to have a writ of scire facias upon such judgment, against the defendant therein,

his executors or administrators, to show cause why the plaintiff should not have execution for the residue of the judgment and costs.

VIII. OF THE WRIT OF VENDITIONI EXPONAS.

SECTION 61. If the inquest shall find that the clear profits of any real estate levied as aforesaid, will not be sufficient to satisfy, within seven years, the debt or damages in such execution, and the same shall be approved of by the court, the plaintiff in such writ, may have a writ of venditioni exponas, to sell such real estate, for and towards the satisfaction of his judgment.

SECTION 62. But before any sale of real estate shall be made as aforesaid, the officer shall cause so many written or printed handbills to be made, upon parchment or good paper, as the debtor or defendant shall reasonably request, or so many without such request, as may be sufficient to give notice of such sale, and of the day and hour when, and the place where the same will be, and what lands or tenements are to be sold, and the place where they lie, which notice shall be given to the defendant, and one of the said papers or parchments, shall be fixed by the sheriff, or other officer, upon the premises, and the others of them in the most public places of the county or city, at least ten days before such sale.

SECTION 63. The officer shall also give notice of every such sale, by advertisement, describing the real estate to be sold, and the time and place of sale, as aforesaid, in at least two newspapers, one in the English, and the other (except in the city and county of Philadelphia,) in the German language, if such there are printed in the county where such real estate may be, or if there be no newspaper printed in such county, then in the newspaper printed nearest thereto, once a week, during three successive weeks, previous to such sale, under penalty of fifty dollars to the party aggrieved by any such neglect, to be recovered as debts of like amount are recovered: *Provided*, That nothing herein shall debar any party aggrieved, from recovering the damages which he may actually sustain by reason of such neglect.

SECTION 64. In case the said real estate so to be exposed, cannot be sold, then the officer shall make return upon his writ, that he exposed such real estate to sale, and the same remained in his hands unsold, for want of buyers, and such return shall not make the officer liable to answer the debt or damages mentioned in such writ.

IX. OF THE WRIT OF LIBERARI FACIAS, AFTER A WRIT OF VENDITIONI EXPONAS.

SECTION 65. It shall be lawful for the plaintiff in such writ, whenever the officer shall return upon the same, that such

real estate remains in his hands unsold, as aforesaid, to have the same valued as aforesaid, or so much thereof as shall satisfy his judgment, with the interest from the day on which it was rendered, and costs thereupon, he may have a writ of liberari facias awarded and directed to such officer, commanding him to deliver to the plaintiff such part or parts of such real estate, as shall satisfy his debt of damages and interest, from the time of the judgment given, with costs of suit, according to the valuation aforesaid, to hold to him and his heirs, forever, as his free tenement, in satisfaction of his debt, damages and costs, or of so much thereof as such real estate, by the valuation aforesaid, shall amount to, or at his election, such plaintiff may have another writ, or writs of venditioni exponas, awarded as aforesaid, for the sale of the same real estate.

SECTION 66. All real estate which shall be sold or delivered as aforesaid, by any sheriff, or other officer, with the appurtenances, shall be quietly and peaceably held and enjoyed, by the person to whom the same shall be sold or delivered, and by the heirs, successors, or assigns of such person, as fully and amply, and for such estate and estates, and under the same rents and services, as he or they for whose debt or duty the same shall be sold or delivered, might, could, or ought to do, at or before the taking thereof in execution.

SECTION 67. In case the plaintiff to whom land shall be delivered in satisfaction of his debt, as aforesaid, shall be evicted, upon any lawful title, without any fraud, collusion, or other default, he may, upon settling an account of such sums and profits as he has received from such estate, and may be entitled to retain, deducting for his reasonable expenses and labors, have a writ of scire facias upon such judgment, against the defendant, his executors or administrators, to shew cause why he should not have execution for the residue of his judgment, with costs, and if no sufficient cause be shown, execution may issue, notwithstanding the delivery of such real estate to him, in satisfaction of his judgment, as aforesaid.

X. OF EXECUTIONS AGAINST LIFE ESTATES IN LANDS OR TENEMENTS.

SECTION 68. Whenever an estate for life, in any improved lands or tenements, yielding rents, issues, or profits, shall be seized in execution, it shall be the duty of the sheriff to ascertain, by an inquest, in the manner usually practised, the clear profits yearly, of such real estate, making reasonable allowances for taxes, necessary repairs, and all reprizes, and he shall make return of such inquisition to the court, with his writ.

SECTION 69. Upon the return of such writ, it shall be lawful for the plaintiff to have such estate extended, and

deliver to him, by a writ of liberari facias, according to the valuation of the inquest aforesaid, in the manner, and according to the rules herein before provided in the case of other real estate, or at his election, the court shall award a writ to sequester the rents, issues, and profits of such estate, and appoint a sequestrator, to carry the same into effect.

SECTION 70. The sequestrator appointed as aforesaid, shall have power, according to the direction of the court, to rent or sell such lands or tenements, for such term, during the life of the person upon whom such estate therein shall depend, as shall be sufficient to satisfy all the liens against the same, together with all charges for taxes, repairs and expenses, which shall be incurred during the said term, and he shall apply the proceeds thereof, under the direction of the court, in the payment of such liens, according to their priority.

SECTION 71. The court shall have power to require from such sequestrator a bond, with sufficient surety, for the faithful execution of his trust, and to compel him to account, from time to time, as they shall think necessary; and they may make all such orders, allowances and decrees, in the premises, and enforce the same, in like manner, and as fully and effectually as a court of Chancery might do in the like case.

XI. OF EXECUTIONS AGAINST CORPORATIONS.

SECTION 72. All executions which shall be issued from any court of record, against any corporation, not being a county, township, or other public corporate body, shall command the sheriff, or other officer, to levy the sum recovered, together with the costs of suit, of the goods and chattels, lands and tenements of such corporation, and such execution shall be executed in the manner following, to wit:

I. The officer charged with the execution of such writ, shall go to the banking houses, or other principal office of such corporation, during the usual office hours, and demand of the president, or other chief officer, cashier, treasurer, secretary, chief clerk, or other officer, having charge of such office, the amount of such execution, with legal costs.

II. If no person can be found, on whom demand can be made, as aforesaid, or if the amount of such execution be not forthwith paid, in lawful money, after demand, as aforesaid, such officer shall seize personal property of said corporation, sufficient to satisfy the debt, interest and cost, as aforesaid.

III. If the corporation against which such execution shall be issued, be a banking company, and other sufficient personal property cannot be found, such officer shall take so much of any current coin, of gold, silver, or copper,

which he may find, as shall be sufficient to satisfy the debt, interest and cost, as aforesaid.

IV. If no sufficient personal property be found, as aforesaid, such officer shall levy such execution upon the real estate of such corporation, and thereupon, proceed in the manner provided in other cases, for the sale of land upon execution.

SECTION 73. In every case in which judgment shall have been obtained against such corporation, except, as aforesaid, and an execution issued thereon, shall have been returned, unsatisfied, in part or in the whole, it shall be lawful for the court in which such judgment shall have been obtained, upon the bill or petition of the plaintiff in such judgment, to award a writ to sequester the goods, chattels, and credits, rents, issues, and profits, tolls, and receipts, from any road, canal, bridge, or other work, property, or estate of such corporation.

SECTION 74. The court shall, upon the awarding any such writ, appoint a sequestrator to execute the same, and to take charge of the property and funds, taken or received by virtue of such writ, and to distribute the nett proceeds thereof, among all the creditors of such corporation, according to the rules established in the case of the insolvency of individuals, and such sequestrator shall have all the powers, and be subject to all the duties of trustees appointed under the law relating to insolvent debtors: *Provided*, That in the case of any work in the maintenance or repair of which the public may be interested, and which may from time to time require a portion of the revenue thereof, as aforesaid, to be expended thereon, the court which awards such writ, shall make such allowances for such purpose, and otherwise take such order thereon, as the public good shall require.

SECTION 75. The said court shall have power, at the time of awarding any such writ, or afterwards, to make such orders and decrees as may be necessary to carry the same into full and complete effect, and they may also make all such other orders and decrees in the premises, for the purpose of giving full and effectual relief to all the creditors of such corporation, as shall be agreeable to equity, and they may enforce all such orders against all persons neglecting or refusing to comply therewith, or obstructing the execution thereof, or of such writ by attachment, or by a writ or writs to the sheriff or coroner, in aid of the sequestrator, or otherwise, as fully as a court of Chancery might do.

XII. OF TESTATUM WRITS OF EXECUTION.

SECTION 76. If the defendant in any judgment for the recovery of money, shall have no real or personal estate in the county where such judgment may be obtained, it shall be lawful for the plaintiff, upon his own suggestion of that

fact, verified by affidavit, without any previous writ, to have a testatum writ of fieri facias, directed to the sheriff or coroner of any other county, where the defendant may have real or personal estate, which shall be made returnable into the court from which it shall issue.

SECTION 77. If the estate of the defendant in the county in which a testatum writ of fieri facias shall first be issued, be insufficient to satisfy the judgment, it shall be lawful for the plaintiff to have in like manner, an alias or pluries writs of fieri facias, in succession, into any other county in which the defendant may also have real or personal estate, until such judgment shall be fully satisfied.

SECTION 78. It shall be the duty of every sheriff and coroner, on receiving a testatum writ of fieri facias, immediately to deliver the same to the prothonotary of the court of Common Pleas of his proper county.

SECTION 79. It shall be the duty of every prothonotary to whom any testatum writ of fieri facias shall be delivered, as aforesaid, forthwith to enter the same of record, in a docket, to be provided for that purpose, and as of the preceding term, stating particularly the amount of the debt, or damages, and costs, endorsed upon such writ, and thereupon, he shall re-deliver the said writ to the sheriff or coroner, to be by him executed.

SECTION 80. Every testatum writ of fieri facias, shall be a lien upon the real estate of the defendants named in such writ, within the county where it shall be so entered of record, during five years from the date of such entry, unless the debt, or damages and costs, be sooner paid.

SECTION 81. If the defendant in any judgment, as aforesaid, shall have no real or personal estate within the commonwealth, and if the defendant cannot be found within the county where such judgment may be, it shall be lawful for the plaintiff, if he shall make affidavit of the fact, to the best of his knowledge and belief, to have, upon his own suggestion, and without any previous writ, a testatum writ, or at the same time, several testatum writs of capias ad satisfaciendum, into any other county or counties, which writs shall be made returnable to the court from which they shall issue: *Provided*, That the plaintiff shall not be allowed the costs of more than one of several such writs, unless the court shall be satisfied that the plaintiff had sufficient cause for issuing the same.

SECTION 82. If any sheriff or coroner to whom any testatum writ of execution shall be directed and delivered, as aforesaid, shall neglect or refuse to execute and return the same, according to the exigency thereof, he shall be amerced in the court where he ought to return it, and also, be liable to the action of the party aggrieved.

XIII. OF A LANDLORDS LIEN ON GOODS TAKEN IN EXECUTION.

SECTION 83. The goods and chattels being in or upon any messuage, lands or tenements, which are or shall be demised for life or years, or otherwise taken by virtue of an execution, and liable to the distress of the landlord, shall be liable for the payment of any sums of money due for rent at the time of taking such goods in execution: *Provided*, That such rent shall not exceed one years rent.

SECTION 84. After the sale by the officer, of any goods or chattels as aforesaid, he shall first pay out of the proceeds of such sale, the rent so due, and the surplus thereof, if any, he shall apply towards satisfying the judgment mentioned in such execution: *Provided*, That if the proceeds of the sale shall not be sufficient to pay the landlord, and the costs of the execution, the landlord shall be entitled to receive the proceeds, after deducting so much for costs as he would be liable to pay in case of a sale under a distress.

SECTION 85. Whenever any goods or chattels liable to the payment of rent as aforesaid, shall be seized in execution, the proceedings upon such execution shall not be stayed by the plaintiff therein, without the consent of the person entitled to such rent, in writing, first had and obtained.

XIV. OF THE DISTRIBUTION OF THE PROCEEDS OF SHERIFF'S SALES.

SECTION 86. In all cases of sale upon execution, as aforesaid, where there shall be disputes concerning the distribution of the money arising therefrom, the court from which the execution shall have issued, shall have power, after reasonable notice given, either personally, or by advertisement, to hear and determine the same, according to law and equity.

SECTION 87. If any fact connected with such distribution shall be in dispute, the court shall, at the request, in writing, of any person interested, direct an issue to try the same, and the judgment upon such issue, shall be subject to a writ of error, in like manner as other cases wherein writs of error now lie.

SECTION 88. Upon a writ of error issued as aforesaid, the whole record shall be returned, and it shall be competent for any person aggrieved by the decree of distribution, to take exceptions thereto, if the judgment upon such issue should be affirmed.

SECTION 89. Any person aggrieved by the decree of the court in any case of distribution made, without the intervention of a jury, may, at any time within twenty days thereafter, appeal from the same to the Supreme court.

SECTION 90. *Provided*, That if a writ of error or an appeal, shall not be taken within twenty days from the decree of dis-

tribution, the court may order the money to be paid, according to such decree.

SECTION 91. Every person who shall sue out a writ of error, or shall appeal to the Supreme court, upon any proceeding, as aforesaid, shall make oath or affirmation, that his writ of error or appeal is not intended for delay, and he shall, to make it a supercedeas, also give security, by recognizance, with sufficient surety, in the court in which the proceeding was had, or before one of the judges thereof, to prosecute his appeal, or writ of error, with effect, and to pay all costs that shall be adjudged against him.

SECTION 92. It shall be lawful for the court into which any money arising from a sheriff's sale shall be paid, in case of a writ of error, or appeal from any decree, as aforesaid, to order the investment of the fund, in the debt of this commonwealth, or of the United States, or upon real security, or it shall be lawful for such court to order the payment of the money according to the decree of distribution, if the distributees shall give sufficient real security, to refund the same, with the interest thereon, or so much thereof as shall be required by the court, if such decree shall be reversed, or altered, and in such case, the order of restitution may be enforced by a writ of fieri facias, or otherwise.

SECTION 93. Whenever the proceeds of a sale upon execution as aforesaid, shall be more than sufficient to satisfy the liens upon the property sold, the officer making such sale, or receiving such proceeds, shall pay the surplus to the debtor unless the fund shall have been paid into court, and then, and not before, such officer shall be discharged thereof, upon record in the court to which he shall make return of his proceedings concerning such execution.

XV. OF SHERIFF'S DEEDS.

SECTION 94. The officer making sale of any real estate under execution, as aforesaid, shall make return thereof, endorsed or annexed to such writ, and give the buyer a deed, duly executed and acknowledged in court, for what is sold, in the manner hitherto practised in case of the sale of lands by sheriffs, upon execution.

SECTION 95. It shall be lawful for the purchaser of any real estate at a sheriff's sale, to cause the judgment, and all and singular, the process issued thereon, under which such estate may have been seized and sold, together with all and singular, the returns of such process, made by the officer executing the same, to be recited and set forth fully and at large, in the deed to be executed by him therefor, by the sheriff, as aforesaid; and if the prothonotary or clerk of the said court shall, by order thereof, certify and attest, under the seal of the said court, that such judgment and process are recited and contained in the said deed, truly, fully, and

entire, as the same remain in his office, such deed shall be good evidence of such judgment and process upon any trial at law, wherein the said real estate may be in controversy, in the same manner as the original records would be, if produced and offered in evidence.

SECTION 96. The acknowledgment of deeds of real estate, sold upon execution, shall be made as follows:

- I. In the case of executions from the Supreme court, the acknowledgment shall be made by the officer who executed the deed before the said court, in bank, sitting within the respective district, or before one of the judges of the said court, sitting at nisi prius, within the county in which such real estate may be, or before the court of Common Pleas of the county, or the District court of the city and county in which such real estate may be.
- II. In case of testatum writs of execution, the acknowledgment may be made as aforesaid, in the court of Common Pleas of the county, or District court of the city and county, in which such real estate may be.
- III. In all other cases, the acknowledgment, as aforesaid, shall be made in the court from which the execution issued.

SECTION 97. But no such acknowledgment shall be allowed, unless the same shall be made upon public proclamation, in open court, at a time appointed by the court for the purpose, or notice shall have been previously affixed in the office of the prothonotary, specifying the names of the parties to the execution, and the names of the purchaser of such real estate, and the time at which the acknowledgment is intended to be made, at least one week after the return day of the writ of execution, nor in case of acknowledgment made in any court, except that from which the execution issued, unless notice shall appear to have been given to the parties to the execution, in the manner provided for the service of a writ of summons in a personal action.

SECTION 98. Whenever the acknowledgment shall be made as aforesaid, in any other court than that from which the process shall have issued, the same shall be good, notwithstanding the same may have been made before the return day of the execution.

SECTION 99. It shall be the duty of the sheriff acknowledging any deed as aforesaid, in any other court than that from which the process issued, upon which the sale shall have been made, immediately thereafter, to return the same into the office of the prothonotary or clerk of the court from which the same shall have been issued.

SECTION 100. When application shall have been made to any court, to take the acknowledgment of a deed for real estate, sold upon the process issued by any other court, the court to which such application shall be made, shall have

power to examine the regularity and validity of such sale, and set the same aside, if there be cause; and if the proceeds of such sale shall be paid into the said court, they may order the distribution thereof, in like manner as if such sale had been made by virtue of process issued from such court.

SECTION 101. If the officer by whom any real estate shall have been taken in execution, shall die, resign, be removed from office, or if his term of office shall expire before sale thereof, the proceedings upon such execution shall be continued and completed by his successor in office, and all other necessary and proper writs and process in such case, shall be directed to such successor, and be executed by him, and a deed be made and acknowledged by him, in like manner, and with like effect as such acts might have been done by the former officer, if he had continued in office.

SECTION 102. Whenever any real estate shall be sold under any execution, as aforesaid, and the officer who shall make the sale shall die, resign, or be removed from office, or if the term of his office shall expire before any deed shall be executed and acknowledged by him, in due form of law, the Supreme court, or the court in which the judgment was obtained, shall have power, upon the petition of the plaintiff in such judgment, or the purchaser of such real estate, setting forth specially the facts of the case, by an order, to be entered upon their records, to direct the sheriff for the time being, to execute a deed of such real estate to the purchaser thereof.

SECTION 103. It shall be the duty of the sheriff, or other officer to whom any such order shall be directed in pursuance thereof, and after the payment of the purchase money of such real estate, with such costs and charges, if any, as may remain unpaid, to the former sheriff, or officer, to execute, deliver and acknowledge such deed or deeds, and perform and do such other matters and things as the sheriff or officer who made such sale, might, could, or ought have done, in and about the premises, which deed so executed, shall be as effectual in law, as if the title had been completed by the former officer.

SECTION 104. The several courts aforesaid, shall have the like power to compel the sheriff or coroner making sale as aforesaid, to perfect the title of purchasers, in cases of defective or informal execution of sheriff's or coroner's deeds, and they may grant relief in the manner, and upon the terms and conditions aforesaid, and with like effect.

XVI. PROCEEDINGS TO OBTAIN POSSESSION AFTER SALE OF LANDS, &c.

SECTION 105. Whenever any lands or tenements shall be sold by virtue of any execution as aforesaid, the purchaser of such estate may, after the acknowledgment of a deed

heretofore to him, by the sheriff, give notice to the defendant, as whose property the same shall have been sold, or to the persons in possession of such estate under him, by title derived from him subsequently to the judgment under which the same were sold, and require him, or them, to surrender the possession thereof to him, within three months from the date of such notice.

SECTION 106. If the defendant, or any person in possession under him, as aforesaid, shall refuse, or neglect to comply with the notice and requisition of the purchaser, as aforesaid, such purchaser, or his heirs or assigns, may apply by petition, to any two justices of the peace, or aldermen of the city, town or county where such real estate may be, setting forth:

I. That he purchased the premises at a sheriff's or coroner's sale.

II. That the person in possession at the time of such application, is the defendant, as whose property such real estate was sold, or that he came into possession thereof under him.

III. That such person in possession had notice, as aforesaid, of such sale, and was required to give up such estate, three months previously to such application.

SECTION 107. If the applications as aforesaid, shall be verified by the oath or affirmation of the petitioner, or if probable cause to believe the facts therein set forth be otherwise shown, the said justices are hereby enjoined and required, forthwith to issue their warrant, in the nature of a summons, directed to the sheriff of the county, commanding him to summon a jury of twelve men of his bailiwick, to appear before the said justices, at a time and place to be specified, within four days next after the issuing thereof, and also, to summon the defendant, or person in possession, as aforesaid, at the same time to appear before them and the said jury, to show cause, if any he has, why delivery of the possession of such lands or tenements, should not be forthwith given to the petitioner.

SECTION 108. If at the time and place appointed for the hearing of the parties, the defendant, or person in possession, as aforesaid, shall fail to appear, the said justices shall require proof, by oath or affirmation, of the due service of such warrant upon him, and of the manner of such service: *Provided*, That such service shall have been made three days before the return.

SECTION 109. If the defendant, or other person in possession under him, as aforesaid, shall be duly summoned as aforesaid, or if he shall appear, the said justices and jury shall proceed to inquire—

I. Whether the petitioner, or those under whom he claims, has, or have, become the purchaser of such real estate, at

a sheriff's or coroner's sale, as aforesaid, and a sheriff's or coroner's deed for the same, duly acknowledged and certified, shall be full and conclusive evidence of that fact, before such justices and jury.

II. Whether the person in possession of such real estate was the defendant in the execution under which such real estate was sold, or came into the possession thereof under him, as aforesaid.

III. Whether the person so in possession, has had three months notice of such sale, previous to such application.

SECTION 110. Upon the finding of the facts as aforesaid the justices shall make a record thereof, and thereupon, they shall award the possession of such real estate to the petitioner.

SECTION 111. In case of a finding for the petitioner as aforesaid, the jury shall assess such damages as they shall think right, against such defendant, or person in possession, for the unjust detention of the premises, and thereupon, the said justices shall enter judgment for the damages assessed, and reasonable costs, and such judgment shall be final and conclusive to the parties.

SECTION 112. The said justices shall thereupon, issue their warrant, directed to the sheriff, commanding him forthwith to deliver to the petitioner, his heirs or assigns, full possession of such lands or tenements, and to levy the costs taxed by the said justices, and the damages assessed by the jury, as aforesaid.

SECTION 113. No certiorari, which may be issued to remove such proceedings, shall be a supersedeas, or have any effect to prevent or delay the execution aforesaid, or the delivery of the possession, agreeably thereto.

SECTION 114. If the person in possession of the premises shall make oath or affirmation before the justices—

I. That he has not come into possession, and does not claim to hold the same under the defendant in the execution, but in his own right, or

II. That he has not come into possession under title derived to him from the said defendant, before the judgment under which the execution and sale took place, and shall become bound in a recognizance, with one or more sufficient sureties, in the manner hereinafter provided, the said justices shall forbear to give the judgment aforesaid.

SECTION 115. If the person in possession of the premises shall make oath or affirmation, before the justices, that he does not hold the same under said defendant, but under some other person, whom he shall name, the said justices shall forthwith issue a summons to such person, requiring him to appear before them, at a certain time therein named, not exceeding thirty days thence following, and if at such time the said person shall appear, and make oath or affirmation,

that he verily believes that he is legally entitled to the premises in dispute, and that he does not claim under the said defendant, but by a different title, or that the claims under the said defendant by title derived before the judgment aforesaid, and shall enter into a recognizance, with sureties, as aforesaid, in such case also, the justices shall forbear to give judgment.

SECTION 116. The oath or affirmation which shall be administered to such claimant, shall be in the following form, to wit :

I do (swear or affirm) that I verily believe that I am legally entitled to hold the premises in dispute, against the petitioner—that I do not claim the same by, from, or under the defendant, as whose property the same were sold (as the case may be)—that I do not claim the same by, from, or under the defendant, as whose property the same were sold, by title derived to me subsequently to the rendition of the judgment under which the same were sold, but by a different title, &c.

SECTION 117. The recognizance aforesaid, shall be taken in a sum fully sufficient to cover and secure, as well the value of the rents and mesne profits of such lands or tenements, which may have accrued, and which may be expected to accrue, before the final decision of the said claim, as all costs and damages, with condition that he shall appear at the next court of Common Pleas, or District court, having jurisdiction, and then and there plead to any declaration in ejectment, which may be filed against him, and thereupon, proceed to trial, in due course of practice, and in case he shall fail therein, that he will deliver up the said premises to the purchaser, and to pay him the full value of the rents or mesne profits of the premises, accrued from the time of the purchase.

SECTION 118. If such recognizance shall be forfeited, the justices aforesaid, shall proceed to give judgment, and cause such real estate to be delivered up to the petitioner, in the manner hereinbefore enjoined and directed.

XVII. OF THE RIGHTS OF PURCHASERS AT SHERIFF'S SALES AS LANDLORDS.

SECTION 119. If any lands or tenements shall be sold upon execution, as aforesaid, which at the time of such sale, or afterwards, shall be held or possessed by a tenant, or lessee, or person holding, or claiming to hold the same under the defendant in such execution, the purchaser of such lands or tenements shall, upon receiving a deed for the same, as aforesaid, be deemed the landlord of such tenant, lessee, or other person, and shall have the like remedies to recover any rents or sums accruing subsequently to the acknowledgment of a deed to him, as aforesaid, whether such accruing rent may

have been paid in advance or not, if paid after the rendition of the judgment on which sale was made, as such defendant might have had, if no such sale had been made.

SECTION 120. If after notice shall be given of such sale, as aforesaid, such tenant, lessee, or other person, shall pay any rent or sum accruing subsequently to the acknowledgment of such deed, notice given him as aforesaid, to such defendant, such tenant, lessee, or other person, to paying, shall nevertheless, be liable to pay the same to the purchaser.

NER MIDDLESWARTH,

Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,

Speaker of the Senate.

APPROVED—The sixteenth day of June, A. D. eighteen hundred and thirty-six.

JOS: RITNER.



No. 192.

An Act

Relating to the jurisdictions and powers of courts.

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An act Relative to the jurisdictions and powers of the Courts.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the Supreme court of this*

commonwealth, shall have power to hear and determine all, and all manner of pleas, complaints, and causes which shall be brought, or removed there from any other court of the commonwealth, by virtue of any writ or process issued by the said court, or any judge thereof, for that purpose, in the manner now practised and allowed, to examine and correct all, and all manner of errors of the justices, magistrates, and courts of this commonwealth, in the process, proceedings, judgments and decrees, as well in criminal as in civil pleas or proceedings, and thereupon, to reverse, modify or affirm such judgments and decrees, or proceedings, as the law doth or shall direct; and generally, to minister justice to all persons, in all matters whatsoever, as fully and amply, to all intents and purposes, as the said court has heretofore had power to do, under the constitution and laws of this commonwealth; and the Chief Justice and assistant judges of the Supreme court, in lieu of the thirty shillings per day for traveling expenses, given by the act of the thirteenth April, seventeen hundred and ninety-one, shall respectively be entitled to receive the sum of four dollars per day, whilst engaged in holding court, or traveling to or returning from the same, and shall have power, and is required to issue execution, or other process, for the recovery of costs which have accrued, or may accrue in said Supreme court, as well as in all cases which have been heretofore decided.

SECTION 2. The Supreme Court shall have original jurisdiction within the city and county of Philadelphia, in all civil actions, wherein the matter in controversy shall be of the value of five hundred dollars, or more.

SECTION 3. It shall be the duty of the Supreme Court, at their sessions in bank, from time to time, to devise and establish, by rule of court, such new writs and forms of proceedings, as in their opinion shall be necessary or convenient to the full, direct, and uniform execution of the powers and jurisdiction possessed by the said court, or by the courts of Common Pleas, District courts, Orphans' courts, or Register's courts.

SECTION 4. *Provided*, That nothing herein contained, shall be deemed to authorize the said court to enlarge, abridge, or alter the jurisdiction of any of the courts, or to impair the right of trial by jury, or to dispense with or to supply the use of any form of proceeding, which shall be made necessary, by any act of assembly.

SECTION 5. Whenever the said court shall devise and establish any new writ or form, as aforesaid, or make any rule or order relative thereto, they shall cause notice thereof to be given to the courts, or to the president judges of the courts, for which such writ, form or rule shall be made or

appointed, and also to the Governor of the commonwealth, for the information of the legislature, at their next session.

SECTION 6. The courts, or the president judges of the courts to which any such rule shall be made known, shall cause the same to be published in open court, and to be recorded with the rules of court, and after the expiration of three months from the recording of such rule, the same shall be deemed to be obligatory, and in full effect.

SECTION 7. The judges of the Supreme court shall have full power and authority, when, and as often as there may be occasion, to issue writs of habeas corpus, writs of certiorari, and writs of error, and all remedial and other writs and process, returnable to the said court.

SECTION 8. All the writs shall be granted of course, and the style thereof shall be "The Commonwealth of Pennsylvania;" they shall bear teste in the name of the Chief Justice of the said court for the time being, or if he be a party, in the name of one of the other judges of the said court, and they shall be sealed with the judicial seal of the said court.

SECTION 9. Every person indicted in any court of Quarter Sessions, or in any county court of Oyer and Terminer, and General Jail delivery, may remove the indictment, and all proceedings thereon, or a transcript thereof, into the Supreme court, by a writ of certiorari, or a writ of error, as the case may require.

SECTION 10. Besides the powers hitherto possessed by the Supreme court, to issue writs of mandamus, the said court shall have power to issue such writs to any other court or tribunal constituted by the authority of the laws of this commonwealth, in all cases where such interposition shall, in the discretion of the said court, be necessary to the advancement and due administration of justice.

SECTION 11. As soon as the Supreme court shall have rendered judgment, or made a final decree or decision, in any cause, action, or matter brought into the same by writ of error, certiorari, or appeal, such court shall order the records thereof, with their judgment or decree thereon written, and duly certified, to be remitted to the appropriate court, which judgment, decree, or decision, such court shall duly carry into execution and effect; or the said Supreme court may, if they see cause, order execution thereof to be done by process, issued out of the same, and thereupon, order the record to be remitted, as aforesaid.

SECTION 12. The courts of Common Pleas shall have jurisdiction and power within their respective counties, to hear and determine all pleas, actions, and suits, and causes, civil, personal, real and mixed, according to the constitution and laws of this commonwealth; and the said court shall have power to grant, under their judicial seals, all lawful.

writs and process necessary for the exercise of such jurisdiction: *Provided*, That the court of Common Pleas for the city and county of Philadelphia, shall not have jurisdiction in any civil plea or action, when the sum or value in controversy, shall exceed one hundred dollars, as heretofore; that the board of commissioners of the incorporated district of the Northern Liberties, in the county of Philadelphia, shall and may annually, or whenever a vacancy shall occur, elect one of the aldermen or justices of the peace of the said district, or any citizen of the district, qualified to be a commissioner thereof, to be mayor of the said district, who shall possess and enjoy, during his continuance in office, all the rights, power, authority and jurisdiction of a justice of the peace, and the said board of commissioners are hereby authorized to make all such police regulations, and prescribe such duties, rules and regulations for the mayor of the said district. as they may from time to time, by ordinance declare: *Provided*, Such ordinances are not inconsistent with the laws and constitution of this commonwealth: That the Governor shall appoint a recorder, of legal learning and ability, for the district of the Northern Liberties, Spring Garden and Kensington, of the county of Philadelphia, who shall receive a salary of five hundred dollars, as a full compensation for his services, which said recorder, together with the mayor of the Northern Liberties, and the aldermen of the Northern Liberties, Spring Garden and Kensington, (the said aldermen being paid in the same manner as the aldermen of the city of Philadelphia are now paid,) or any four of them, (whereof the mayor or recorder for the time being, shall be one,) shall have full power and authority to hold and keep a court of record within the said district, four times in each year, by the name, style and title of the Recorder's court for the incorporated district of the Northern Liberties, and the district of Spring Garden and Kensington; and the said court shall be, and hereby is vested with all the power and authority, within the said district, which the mayor's court for the city of Philadelphia has within the said city, and shall be organized in like manner, and shall have authority to try and determine all offences which have been committed, or shall be committed within the said districts, which would be cognizable in any county court of Quarter Sessions of the peace of this commonwealth; and also to hear, try and determine all offences, which shall be committed within the said districts, against any of the laws, ordinances, regulations, or constitutions that are, or shall be, legally made, in pursuance of authority granted to said districts, and generally, to do all such matters and things within the said districts, as any court of general Quarter Sessions of the peace, Oyer and Terminer, and Jail Delivery, of and for any county within this commonwealth, may or

can do, within any such county; and the justices of the court of general Quarter Sessions of the peace, of and for the county of Philadelphia, or any of them, or either of them, shall not in any matter or thing, have any further or other powers or jurisdictions within the said districts, than the said mayor, recorder and aldermen, may or can have in the said county of Philadelphia, and without the limits of the said districts.

SECTION 13. The Supreme court, and the several courts of Common Pleas, shall have the jurisdiction and powers of a court of Chancery, so far as relates to—

- I. The perpetuation of testimony:
- II. The obtaining of evidence from places not within the state:
- III. The care of the persons and estates of those who are non compos mentis:
- IV. The control, removal and discharge of trustees, and the appointment of trustees, and the settlement of their accounts:
- V. The supervision and control of all corporations other than those of a municipal character, and unincorporated societies or associations, and partnerships:
- VI. The care of trust monies and property, and other monies and property made liable to the control of the said courts.

And in such other cases, as the said courts have heretofore possessed such jurisdiction and powers, under the constitution and laws of this commonwealth.

And in every case in which any court as aforesaid, shall exercise any of the powers of a court of Chancery, the same shall be exercised according to the practice in equity, prescribed or adopted by the Supreme court of the United States, unless it be otherwise provided by act of assembly, or the same shall be altered by the Supreme court of this commonwealth, by general rules and regulations, made and published as is hereinbefore provided; and the Supreme court when sitting in bank, in the city of Philadelphia, and the court of Common Pleas for the said city and county, shall, besides the powers and jurisdiction aforesaid, have the power and jurisdiction of courts of Chancery, so far as relates to—

- I. The supervision and controul of partnerships, and corporations other than municipal corporations.
- II. The care of trust monies and property, and other monies and property made liable to the controul of the said courts.
- III. The discovery of facts material to a just determination of issues, and other questions arising or depending in the said courts.

IV. The determination of rights to property or money claimed by two or more persons, in the hands or possession of a person claiming no right of property therein.

V. The prevention or restraint of the commission or continuance of acts contrary to law, and prejudicial to the interests of the community, or the rights of individuals.

VI. The affording specific relief, when a recovery in damages would be an inadequate remedy: *Provided*, That in relation to the discovery of facts material to a just determination of issues, and other questions, the District court for the city and county of Philadelphia, shall have the same power and authority, within its jurisdiction, as is hereby conferred on the court of Common Pleas for the said city and county: *And provided further*, That no process to be issued by the said courts of the city and county of Philadelphia, or the Supreme court, sitting therein, under the chancery powers herein specially granted, excepting such as have heretofore been exercised, shall at any time be executed beyond the limits of the city and county aforesaid.

SECTION 14. The courts of Oyer and Terminer, and General Jail delivery, shall have power:

- I. To inquire, by the oaths and affirmations of good and lawful men of the county, of all crimes committed, or triable in such county.
- II. To hear, determine, and punish the same, and to deliver the jails of such county of all prisoners therein, according to law.
- III. To try indictments found in the Quarter Sessions, and certified by the said court, according to law.

SECTION 15. The said courts shall have exclusive jurisdiction and power to try and punish all persons charged with any of the crimes herein enumerated, which shall be committed within the respective county, to wit:

- I. All persons charged with any murder, manslaughter, or other homicide, and all persons charged with being accessory to any such crime:
- II. All persons charged with treason against this commonwealth:
- III. All persons charged with sodomy, buggery, rape, or robbery, their counsellors, aiders, comforters and abettors:
- IV. All persons charged with arson, or with the crime of voluntarily and maliciously burning any building, or other thing, made punishable in the same manner as arson:
- V. All persons charged with mayhem, or with the crimes of cutting out or disabling the tongue, putting out an eye, slitting the nose, cutting off the nose, cutting off a lip, cutting off or disabling any limb or member of another person, by lying in wait, or with malice aforethought, and

with intention in so doing to maim or disfigure such person, and their aiders, abettors and counsellors:

VI. All persons charged with burglary:

VII. Every woman who shall be charged with having endeavored privately, either by herself, or the procurement of others, to conceal the death of any issue of her body, male or female, which, if it were born alive, would by the law, be a bastard, so that it may not be known whether such issue was born dead or alive, or whether it were murdered or not:

VIII. All persons charged with the second or any subsequent offence of receiving, harboring, or concealing any robber, burglar, felon, or thief, or with the crime of receiving or buying any goods or chattels, which shall have been feloniously taken or stolen, knowing the same to be stolen.

SECTION 16. The courts of Quarter Sessions of the peace, shall have jurisdiction and power within their respective counties—

I. To inquire, by the oaths or affirmations of good and lawful men of the county, of all crimes, misdemeanors, and offences whatever, against the laws of this commonwealth, which shall be triable in the respective county:

II. To inquire of, hear, determine and punish, in due form of law, all such crimes, misdemeanors and offences, whereof exclusive jurisdiction is not given, as aforesaid, to the courts of Oyer and Terminer of such county:

III. To take, in the name of the commonwealth, all manner of recognizances and obligations heretofore taken, and allowed to be taken, by justices of the peace, and they shall certify such as shall be taken in relation to any crime not triable therein, to the next court of Oyer and Terminer, having power to take cognizance thereof:

IV. To continue or discharge the recognizances and obligations of persons bound to keep the peace, or to be of good behaviour, taken as aforesaid, or certified into such court, by any justice of the peace of such county, and to inquire of, hear and determine, in the manner hitherto practised and allowed, all complaints which shall be founded thereon:

V. The courts of Quarter Sessions shall also have jurisdiction in cases of fine, penalties, or punishments imposed by any act of assembly, for offences, misdemeanors, or delinquencies, except where it shall be otherwise expressly provided and enacted: *Provided*, That nothing herein shall alter or affect the jurisdiction of any Mayor's court: *And provided also*, That the Mayor's court of the several cities of this commonwealth, shall have exclusive jurisdiction of all offences committed within the limits of their respective cities, which, by any existing law, or any law

hereafter to be passed, are or shall be indictable in the court of Quarter Session of the proper county, unless by the terms of the law, expressly deprived of such jurisdiction:

VI. The said courts shall also have and exercise such other jurisdiction and powers, not herein enumerated, as may have been heretofore given to them by law:

SECTION 17. Whenever any indictment shall be found in any court of Quarter Sessions, for any crime or offence not triable therein, it shall be the duty of such court to certify the same into the court of Oyer and Terminer next to be holden in such county, there to be heard and determined in due course of law.

SECTION 18. The judges of the county courts of Oyer and Terminer, and Quarter Sessions, and every of them, shall have power to direct their writs or precepts, to all or any of the sheriffs, or other officers of any of the counties, cities, boroughs, or towns corporate of this commonwealth, or arrest and bring before them, persons indicted for felonies or other offences, and amenable to the respective court.

SECTION 19. The jurisdiction of the several Orphans courts shall extend to and embrace—

- I. The appointment, control, removal and discharge of the guardians of minors, and the settlement of their accounts.
- II. The removal and discharge of executors and administrators, deriving their authority from the register of the respective county, and the settlement of their accounts.
- III. The distribution of the assets and surplusage of the estates of decedents, after such settlement among creditors, and others interested:
- IV. The sale of real estates of decedents :
- V. The partition of the real estates of intestates among the heirs:
- VI. The specific execution of contracts made by decedents, to sell and convey any real estate of which such decedent shall die seized:
- VII. Proceedings for the recovery of legacies:
- VIII. All cases within their respective counties, wherein executors, administrators, guardians or trustees may be possessed of, or are in any way accountable for, any real or personal estate of a decedent.

And such jurisdiction shall be exercised under the limitations, and in the manner provided by law.

SECTION 20. Each of said courts shall have power to award process, to levy and recover such fines, forfeitures, and amercements as shall be imposed, taxed, or adjudged by them, respectively.

SECTION 21. Each of the said courts shall have full power and authority to establish such rules for regulating the practice thereof respectively, and for expediting the determination of suits, causes, and proceedings therein, as in their

discretion they shall judge necessary or proper: *Provided*, That such rules shall not be inconsistent with the constitution and laws of this commonwealth.

SECTION 22. Each of the said courts is empowered to issue writs of subpoena, under their official seal, into any county of this commonwealth, to summon and bring before the respective court, any person, to give testimony in any cause or matter depending before them, under the penalties hitherto appointed and allowed in any such case by the laws of this commonwealth.

SECTION 23. The power of the several courts of this commonwealth to issue attachments, and to inflict summary punishments for contempts of court, shall be restricted to the following cases, to wit:

- I. To the official misconduct of the officers of such courts, respectively:
- II. To disobedience or neglect by officers, parties, jurors or witnesses of or to the lawful process of the court:
- III. To the misbehaviour of any person in the presence of the court, thereby obstructing the administration of justice.

SECTION 24. The punishment of imprisonment for contempt, as aforesaid, shall extend only to such contempts as shall be committed in open court, and all other contempts shall be punished by fine only.

SECTION 25. *Provided*, That the court may order the sheriff, or other proper officer, to take into custody, and commit to jail, any person fined for a contempt, until such fine shall be paid or discharged; but if such person shall be unable to pay such fine, he may be committed to prison by the court, for any time not exceeding three months.

SECTION 26. No publication out of court, respecting the conduct of the judges, officers of the court, jurors, witnesses, parties, or any of them, of, in, or concerning any cause depending in such court, shall be construed into a contempt of the said court, so as to render the author, printer, publisher, or either of them, liable to attachment, and summary punishment for the same.

SECTION 27. If any such publication shall improperly tend to bias the minds of the public, or of the court, the officers, jurors, witnesses, or any of them, on a question depending before the court, it shall be lawful for any person who shall feel himself aggrieved thereby, to proceed against the author, printer, and publisher thereof, or either of them, by indictment, or he may bring an action at law against them, or either of them, and recover such damages as a jury may think fit to award.

SECTION 28. *Provided*, That notwithstanding any thing hereinbefore contained, the several courts aforesaid, shall have power to make rules on sheriffs and coroners, for the return of all process in their hands, and for the payment of

money, or delivery of any article of value in their possession, according to their respective duties, and also, to make rules upon attorneys for the payment of money, and the delivery of deeds, and other papers in their hands, belonging to their clients, and in every such case to enforce obedience to such rules, by attachment; and the courts shall have the same power against former sheriffs and coroners, if application be made for the purpose, within two years after the termination of their offices respectively.

SECTION 29. This act shall go into effect on and after the first day of September next.

NER MIDDLESWARTH,
Speaker of the House of Representatives.
THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The sixteenth day of June, Anno Domini, one thousand eight hundred and thirty-six.

JOS: RITNER,



No. 193.

An Act

To fix the number of Senators and Representatives, and form the state into districts, in pursuance of the provisions of the constitution.

*Senatorial
ratio, 9,256.
31 members.

Senatorial
districts.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That until the next enumeration of the taxable inhabitants and an apportionment thereon, the Senate, at a ratio of nine thousand two hundred and fifty-six, shall consist of thirty-three members, and be apportioned as follows, viz:

First district, viz: The city of Philadelphia shall be a district, and elect two:

Second, The county of Philadelphia shall be a district, and elect three:

Third, The counties of Montgomery, Chester and Delaware shall be a district, and elect three:

Fourth, The county of Bucks shall be a district, and elect one:

Fifth, The county of Berks shall be a district, and elect one:

The counties of Lancaster and York shall be a district, and elect three:

The counties of Dauphin and Lebanon shall be a district, and elect one:

The counties of Perry, Mifflin, Juniata, Union and Bedford shall be a district, and elect two:

The counties of Columbia and Schuylkill shall be a district, and elect one:

The counties of Lehigh and Northampton shall be a district, and elect one:

The counties of Luzerne, Monroe, Wayne and Berks shall be a district, and elect one:

The counties of Lycoming, Centre and Northumberland shall be a district, and elect one:

The counties of Bradford and Susquehanna shall be a district, and elect one:

The counties of Franklin, Cumberland and Adams shall be a district, and elect two:

The counties of Bedford and Somerset shall be a district, and elect one:

The county of Westmoreland shall be a district, and elect one:

The county of Washington shall be a district, and elect one:

The counties of Fayette and Greene shall be a district, and elect one:

The counties of Allegheny and Butler shall be a district, and elect two:

The counties of Beaver and Mercer shall be a district, and elect one:

First, The counties of Crawford and Erie shall be a district, and elect one:

Second, The counties of Jefferson, M'Kean, Potter, Schuylkill, Venango and Warren shall be a district, and elect

Third, The counties of Indiana, Armstrong, Cambria and Clearfield shall be a district, and elect one.

Section 2. In those districts which are composed of more than one county, the judges of the district elections, within such county, after having formed a return of the whole elections.

Within such county, in such manner as is or may be provided by law, shall send the same, by one of their number,

to the place hereinafter mentioned, within the district of which such county is a part, where the judges so met, shall

compare the several county returns, and execute, under their hands and seals, one general and true return for the whole

, viz:

The judges of the third district, at the Paoli inn, in Chester county:

Places of the meeting of the return judges of districts composed of more than one county.

The judges of the sixth district, at the house of Jeremiah Brown, in the borough of Columbia, Lancaster county.

The judges of the seventh district, at the house of Henry Garman, Palmyra, Lebanon county.

The judges of the eighth district, at the court house at Mifflintown, Juniata county:

The judges of the ninth district, at the house now, or lately occupied by Samuel Brobst, in Schuylkill county.

The judges of the tenth district, at the public house of Joseph Deatrich, in Bethlehem township, Northampton county.

The judges of the eleventh district, at the tavern here now, or lately, occupied by Oliver Hamlin, in Salem township, Wayne county:

The judges of the twelfth district, at the court house in the borough of Williamsport, Lycoming county:

The judges of the thirteenth district, at the house of James Ross, in Pike township, Bradford county:

The judges of the fourteenth district, at the house now occupied by Robert Cochran, in Shippensburg, Cameron land county:

The judges of the fifteenth district, at the public house lately occupied by John Statler, on the top of the Allegheny mountain, in Somerset county:

The judges of the eighteenth district, at the house of Jeremiah Davidson, in Fayette county:

The judges of the nineteenth district, at the court house in the city of Pittsburg, Allegheny:

The judges of the twentieth district, at the house now occupied by Robert Kill, Mount Jackson borough, Beaver county:

The judges of the twenty-first district, at the house of James Pollock, Erie county:

The judges of the twenty-second district, at the court house in Smethport, M'Kean county:

The judges of the twenty-third district, at the court house in Indiana, Indiana county.

Ratio of the House of Representatives 3,057. 100 members Apportionment.

SECTION 3. That until the next enumeration of taxable, and apportionment thereon made, the House of Representatives, at a ratio of three thousand and fifty-seven shall consist of one hundred members, viz: the county of Adams shall be entitled to two members; the county of Allegheny to four; the county of Armstrong to one; the county of Bradford to one; the county of Beaver to two; the county of Bedford to two; the county of Berks to four; the county of Bucks to three; the county of Butler to one; the county of Crawford to two; the county of Centre to one, and the return judges shall meet at the court house in Bellefonte, Centre county; the county of Chester

the county of Columbia to one; the county of Cum-
 to two; the county of Dauphin to two; the county
 ware to one; the county of Erie to two; the county
 klin to two; the county of Fayette to two; the
 of Green to one; the county of Huntingdon to two;
 nty of Indiana to one; the counties of Jefferson,
 and M'Kean one, and the return judges to meet
 ourt house, in Warren, Warren county; the counties
 er and Tioga one; and the return judges shall meet Places of
 ourt house in Wellsborough, Tioga county, the coun- meeting of
 Juniata, Mifflin and Union three, and the return return judges
 shall meet at the public house of Henry Mick, where two or
 urg, Union County; the county of Lancaster six; more coun-
 ty of Lebanon one; the county of Lehigh two; the ties elect to-
 of Luzerne two; the counties of Lycoming and gether.
 ld two, and the return judges shall meet at the
 f J. and W. Develling, Lock Haven, Lycoming
 the county of Mercer two; the county of Mont-
 three; the counties of Northampton and Monroe
 and the return judges shall meet at the house of Abra-
 ller, in Plainfield township, Northampton county;
 ty of Northumberland one; the counties of Wayne
 e one, and the return judges shall meet at the house
 d Taft, Tafton, Pike county; the county of Susque-
 one; the city of Philadelphia seven; the county of
 lphia eight; the county of Perry one; the counties of
 et and Cambria two; and the return judges shall
 the public house of John Garman, now occupied by
 Kennedy, in Stoystown, Somerset county: the county
 ylkil one; the county of Venango one; the county
 hington three; the county of Westmoreland two;
 nty of York three.

SECTION 4. The senators and representatives shall be Time, &c., of
 by the duly qualified citizens of the city of Phila- general elec-
 and the several counties, at the time, manner, and tion.
 rescribed by the constitution and laws of this com-
 lth.

SECTION 5. The senators shall be chosen in the several Times of
 at the following times, to wit: in the first district, choosing the
 ator shall be chosen at the general election of eight- senators in
 dred and thirty-eight, one at the general election of the several
 hundred and thirty-nine; in the second district, one districts.
 shall be chosen at the general election of eighteen
 and thirty-six, one at the general election of eighteen
 and thirty-seven, and one at the general election of
 hundred and thirty-eight; in the the third district, one
 shall be chosen at the general election of eighteen
 and thirty-six, and one at the general election of
 hundred and thirty-eight, and one at the general
 of eighteen hundred and thirty-nine; in the fourth

district, one senator shall be chosen at the general election of eighteen hundred and thirty-six; in the fifth district, one senator shall be elected at the general election of eighteen hundred and thirty-six; in the sixth district, one senator shall be chosen at the general election of eighteen hundred and thirty-six; one at the general election of eighteen hundred and thirty-eight, and one at the general election of eighteen hundred and thirty-nine; in the seventh district, a senator shall be chosen at the general election of eighteen hundred and thirty-eight; in the eighth district, one senator shall be chosen at the general election of eighteen hundred and thirty-eight and one at the general election of eighteen hundred and thirty-nine; in the ninth district, a senator shall be chosen at the general election of eighteen hundred and thirty-six; in the tenth district, a senator shall be chosen at the general election of eighteen hundred and thirty-nine; in the eleventh district, one senator shall be chosen at the general election of eighteen hundred and thirty-seven; in the twelfth district, a senator shall be chosen at the general election of eighteen hundred and thirty-nine; in the thirteenth district, a senator shall be chosen at the general election of eighteen hundred and thirty-seven; in the fourteenth district, two senators shall be chosen at the general election of eighteen hundred and thirty-seven; in the fifteenth district, a senator shall be chosen at the general election of eighteen hundred and thirty-seven; in the sixteenth district, a senator shall be chosen at the general election of eighteen hundred and thirty-nine; in the seventeenth district, a senator shall be chosen at the general election of eighteen hundred and thirty-eight; in the eighteenth district, a senator shall be chosen at the general election of eighteen hundred and thirty-eight; in the nineteenth district, a senator shall be chosen at the general election of eighteen hundred and thirty-nine; and one at the general election of eighteen hundred and thirty-nine; in the twentieth district, a senator shall be chosen at the general election of eighteen hundred and thirty-seven; in the twenty-first district, a senator shall be chosen at the general election of eighteen hundred and thirty-seven; in the twenty-second district, a senator shall be chosen at the general election of eighteen hundred and thirty-eight; in the twenty-third district, a senator shall be chosen at the general election of eighteen hundred and thirty-nine.

NER MIDDLESWARTH,
Speaker of the House of Representatives
THOMAS S. CUNNINGHAM,
Speaker of the Senate

Approved—The sixteenth day of June, A. D. eighteen hundred and thirty-six.

JOS. RITN

No 194.

An Act

To encourage the manufacture of Iron with Coke or Mineral Coal;
and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That when any number of persons, citizens of this commonwealth, are associated for the purpose of making and manufacturing iron from the raw material, with coke or mineral coal, and shall be desirous to acquire and enjoy the powers and immunities of a corporation or body politic in law, and they shall have subscribed a sum of not less than one hundred thousand dollars, nor more than five hundred thousand dollars, in such shares as they may agree upon, not exceeding fifty dollars each, and actually paid in, to such persons as they may have appointed for that purpose, the one fourth of the capital stock so subscribed, it shall or may be lawful for such persons, to prepare an instrument in writing, therein specifying the objects, articles, and conditions, and name, style, or title under which they have associated, and the counties in which they intend to purchase, or have purchased, land for such making and manufacturing of iron with coke or mineral coal, the amount of capital stock subscribed, the amount of the shares in which it is subscribed, and the amount which shall have been paid in, and the same to exhibit to the Attorney General of the commonwealth for the time being, who is hereby required, thereupon to examine the said instrument, and after such examination, to transmit it, with a certificate thereon endorsed, testifying his opinion touching the lawfulness of the objects, articles and conditions therein set forth and contained, to the Governor of the commonwealth, who shall thereupon, examine the said instrument, and if he shall be satisfied of the lawfulness of the objects, articles and conditions therein set forth and contained, and that the capital stock of the said association or corporation, to an amount not less than one hundred thousand dollars, has been bona fide subscribed, and the one fourth thereof actually paid in, then the Governor shall certify the same to the Secretary of the Commonwealth, with an order, requiring him to enroll the same, at the expense of the applicants, and upon the enrollment thereof, the persons so associated shall, according to the objects, articles and conditions in the said instrument, become a corporation or body politic, in law and

Capital stock
not less than
\$100,000 nor
more than
\$500,000.

Price of
shares.

Articles of
association.

To exhibit to
Attorney
General.

Attorney
General to
certify to
Governor.

Governor's
order for en-
rollment

Money to be
expended for
certain pur-
poses.

Proviso.

Annual re-
turn to be
made to Sec-
retary of
Common'th.

Stock trans-
ferrable.

Dividends
semi-annual-
ly.

Not to impair
capital stock.

Proviso.

SECTION 7. The corporations established by virtue of this act, and the successors thereof, shall use and employ their monies, lands and tenements, in the making and manufacturing iron with coke or mineral coal, and in the transportation thereof to market; and vending the same, and for no other purposes whatsoever; neither shall such corporation have or exercise any banking privileges, nor do any thing which may not be necessary for carrying on the business of the said company in such making, manufacturing, transporting and vending such iron: *Provided*, That nothing herein contained, shall be construed to empower such corporation to manufacture iron which has not been manufactured from the ore, with coke or mineral coal.

SECTION 8. The corporation established by virtue of this act, shall annually, on or before the first day of December in each and every year, make a return, attested by the oath of the president or secretary of such corporation, of the transactions of such corporations, to the Secretary of the Commonwealth, who shall report the same to the legislature, in which return the said corporation shall state the amount of the capital stock subscribed, and the amount of the same paid, in the number of acres of land held by it, the number and nature of the works used by it, and the quantity and kind of iron made and manufactured by it, during the current year.

SECTION 9. The stock of such corporations shall be assignable and transferrable by the holders thereof, to such persons as they may think proper, according to such rules as the by-laws shall prescribe, but no stockholder shall be permitted to transfer his stock while any instalment due thereon shall remain unpaid, except by a special order of the board of directors to that effect.

SECTION 10. Dividends of so much of the profits of such corporations as shall appear advisable to the directors or managers, shall be declared twice in every year, and paid to the stockholders, or their legal representatives, on demand, at any time after the expiration of ten days therefrom, but they shall in no case exceed the amount of the nett profits actually acquired by said company, so that the capital stock shall never thereby be impaired; and if the said directors, or managers shall make any dividend which shall impair the capital stock aforesaid, the directors or managers consenting thereto, shall be liable to said company in their individual capacities, for the amount of the stock so divided, and each director present when such dividend is made, shall be adjudged consenting thereto, unless he forthwith enter his protest on the minutes of the board, and give public notice to the stockholders of the declaring of such dividend: *Provided*, That the said company or companies, shall make an annual return, on the oath of the president or secretary of said company or companies, of the amount of dividends, and they

shall pay into the state treasury, a tax of eight per cent. on **Tax.** all dividends where they shall declare dividends exceeding six per cent. per annum.

SECTION 11. It shall be lawful for the legislature at any **Right to alter** time, to amend, alter, or repeal this law, and amend, alter, or repeal re- or abolish any corporation or charter which may be created **served.** under it.

SECTION 12. That Thomas F. Wharton, Samuel L. Shober, **Corporators** Jacob T. Bunting, Benjamin Kugler, and Joseph H. New- **of Buck** bold, and their associates, successors and assigns, be, and **Mountain** they are hereby constituted a body politic and corporate, by **coal company** the name and style of the Buck Mountain Coal company; and the said company shall possess and enjoy all the powers, **Act of March** privileges, and immunities, and be subject to the restrictions. **18th, 1836,** terms and conditions provided in an act, entitled "An act **extended to** to incorporate the Hazelton Coal company," passed the **this comp'y.** eighteenth day of March, Anno Domini, one thousand eight hundred and thirty-six: *Provided,* That the lands of said **Proviso.** company shall not exceed two thousand acres, and shall all lie in Sugar Loaf and Hanover townships, in the county of Luzerne, and shall not consist of more than two distinct bodies; and that the capital stock of said company shall not **Capital stock** exceed one hundred and fifty thousand dollars: *Provided,* **2d Proviso.** That the said company shall make an annual return on the **Annual re-** oath of the president or secretary of said company, of the **turn.** amount of dividends, and they shall pay into the state treasury, a tax of eight per cent. on all dividends, when they shall **Tax.** declare dividends exceeding six per cent. per annum.

SECTION 13. That there shall be, and hereby is established, **Franklin** in the township of Harford, in the county of Susquehanna, **Academy at** an academy for the education of youth in the useful arts, **Harford, Sus-** sciences, and literature, by the name and style of the **quehanna co.** Franklin Academy at Harford, and that until the first election, the trustees of the said academy shall consist of the following named persons, to wit: Hosea Tiffany, Joab Tyler, **Trustees.** Joseph B. Streeter, Saxa Seymour, Gaines Moss, Freeman Peck, Amherst Carpenter, and Preston Richardson, which **Privileges &** said trustees and their successors in office, shall have and **restrictions** possess all the powers, privileges, and immunities hereto- **the same as** fore granted to the Susquehanna academy, and be subject to **Susquehanna** all the restrictions imposed on the said last mentioned **academy.** academy: *Provided always,* That the time of holding the **Proviso.** annual elections for the Franklin academy, may be altered by the said trustees.

SECTION 14. That there shall be, and hereby is established, **Towanda** in the township of Towanda, in the county of Bradford, an **academy,** academy for the education of youth in the useful arts, sciences, **Bradford co.** and literature, by the name and style of the Towanda Academy, and that until the first election, the trustees of the said academy shall consist of the following named per-

- Trustees.** sons: James P. Bull, J. D. Mantany, Isaac Myer, Hiram Mix, Burton Kingsbury, Enos Tomkins, David Cash, N. B. Storm, George A. Mix; which said trustees, and their successors in office, shall have and possess all the powers, privileges and immunities heretofore granted to the Athens academy, and be subject to all the restrictions imposed on the said last mentioned academy, by an act passed the twenty-second day of March, one thousand eight hundred and thirteen, incorporating said academy: *Provided always*.
- Act of March 22d, extended to this.** That the time of holding the annual elections for the Towanda academy, may be altered by the said trustees.
- Proviso.**
- Commiss'rs.** SECTION 15. That Charles Shaler, William Burns, Alexander Carnahan, R. C. M. Farland, Frederick Lorents, F. R. Smith, and George Ledlie, be, and they are hereby appointed commissioners to do and perform the several things hereinafter mentioned, that is to say: They shall, on or before the first Monday in November next, procure one or more books, and enter in each of them as follows: "We whose names are hereunto subscribed, do promise to pay unto the president, managers and company of the Little Sawmill Run turnpike road, the sum of twenty-five dollars for every share of stock set opposite to our respective names, in such manner and proportions, and at such times, as shall be determined by the president and managers of the said company, in pursuance of an act of the general assembly of this commonwealth, by which said company is incorporated, for the purpose of making an artificial road from Jones' Ferryhouse, to a point on the Washington and Pittsburg turnpike road, at or near Turner's mill dam, on the rout in said act designated; Witness our hands, the day of in the year of our Lord, one thousand eight hundred and ;"
- Form of subscription.** and shall thereupon give notice, in one or more of the public newspapers printed in Pittsburg, for one calendar month at least, of the times and places in said county, when and where the said books shall be opened to receive subscriptions for the stock of said company, at which respective times and places some one of the said commissioners shall attend, and permit all persons of lawful age who shall offer to subscribe in the said books, in their own name, or in the name of any other person or persons who shall duly authorize the same, for any number of shares in the said stock, and the said books shall be kept open respectively, for the purpose aforesaid, at least six hours in every judicial day, for the space of six days, or until said books so opened, shall have fifty shares therein subscribed; and if at the expiration of the said six days, the books aforesaid, or either of them, shall not have the respective number of shares aforesaid therein subscribed, the said commissioners respectively, may adjourn from time to time, and transfer the said books from place to place, until the whole number
- Who may subscribe.**
- Notice.**

of shares shall be subscribed, of which adjournment and transfer, the commissioners aforesaid shall give such public notice as occasion may require; and when the whole number of shares subscribed in all the said books, shall amount to one thousand, the same shall be closed: *Provided always, Proviso.*

That every person offering to subscribe in the said books, in his own name, or the name of any other person, shall previously pay to the attending commissioners, the sum of two dollars and fifty cents for every share to be subscribed, out of which shall be defrayed the expenses attending the taking of subscriptions, and other incidental charges, and the remainder shall be paid over to the treasurer of the corporation, as soon as the same shall be organized, and the officers chosen, as hereinafter mentioned; but the omission or neglect to pay such amount at the time of subscribing, shall not bar or prevent the recovery of the amount of stock which may be subscribed, from the person so omitting to make payment, or any other subscriber to said stock.

SECTION 16. That when twenty or more persons shall have subscribed one hundred or more shares of the said stock, the commissioners shall certify, under their hands and seals, the names of the subscribers, and the number of shares subscribed by each, to the Governor, and thereupon, it shall and may be lawful for the Governor, by letters patent, under his hand and seal of the state, to create and erect the subscribers, and if the said subscription be not full at the time, then all those who shall afterwards subscribe to the number aforesaid, into one body politic and corporate, by the name, style and title of "The president, managers and company of the Little Sawmill Run turnpike road;" and by the said name the subscribers shall have perpetual succession, and all the privileges and franchises incident to a corporation, and shall be capable of taking and holding the capital stock, and the increase and profits thereof, and of enlarging the same from time to time, by new subscriptions, in such manner and form as they shall think proper, if such enlargement shall be found necessary to fulfil the intent of this act, and of purchasing, taking and holding, to them and their successors and assignees, and of selling, transferring and conveying, in fee simple, or for any lesser estate, all such lands, tenements, hereditaments and estates, real and personal, as shall be necessary to them in the prosecution of their work, and of suing and being sued, and of doing all and every other matter and thing which a corporation or body politic may lawfully do: *Provided always, Proviso.* That if the company incorporated by this act, shall at any time issue any note or notes, in the nature of bank notes, or shall transact any business in the nature or manner

of banking, then, in either of those cases, their chartered privileges shall cease, and revert to this commonwealth.

Organization
of company.

SECTION 17. That the commissioners, as soon as may be after said letters patent shall be sealed and obtained, shall give notice, in one or more newspapers printed in the city of Pittsburg aforesaid, of a time and place, by them to be appointed, not less than thirty days from the publication of the first notice, at which time and place, the said subscribers shall proceed to organize the said corporation, and shall choose by a majority of votes of the subscribers, by ballot, to be delivered in person or by proxy, duly authorized, one president and four managers, one treasurer, and such other officers as they shall think necessary to conduct the business of the said company for one year, and until such other officers shall be chosen, and the said managers so chosen, and their successors, shall and may make such by-laws, rules, orders and regulations, not inconsistent with the constitution and laws of this state or of the United States, as shall be necessary for the well ordering the affairs of the said company, and generally, have like powers, authorities and privileges necessary for carrying on and completing a turnpike road, to

Location of
road.

commence at or near Jones' Ferry, on the Monongahela river, thence passing over the coal hill, at the farm or tract of land belonging to the heirs of the late Amelia L. Shaler, deceased, to the mouth of Little Saw-mill run, thence up Little Saw-mill run, by such branch thereof as would be found most eligible, to some suitable point, most convenient as regards distance and facility of construction; thence to Georges' Run.

Several acts
incorpora-
ting Pittsb'rg
& Greens-
burg turn-
pike road,
extended
to this.

thence down said run to intersect the Washington and Pittsburg turnpike, at or near Turner's mill dam, and be subject to all the duties, qualifications, restrictions, penalties, fines, and forfeitures, and be entitled to like tolls and profits, in proportion to the distance, as are given and granted to the president, managers and company of the Pittsburg and Greensburg turnpike road, by the several acts of this commonwealth: *Provided*, That if the same company shall not proceed

Proviso.

to carry on the said work, in three years after the passage of this act, or shall not within five years afterwards, complete the said road, according to the true intent and meaning of this act, then, in either of those cases, it shall be lawful for the legislature of this commonwealth, to resume all and singular, the rights, privileges, liberties and franchises by this act granted to said company: *Provided also*, That if from the nature of the ground, that part of the road leading from Jones' Ferry across the Coal Hill, to the mouth of Little Saw Mill run, cannot be constructed at an angle of elevation of not less than six degrees with the plain of the horizon, the same may be constructed at such elevation: *And provided*

2d Proviso.

further, That wagons carrying coal, lime, or limestone, and free stone, traveling said road, and having a tire of less than four inches breadth, shall pay double the amount of tolls of wagons carrying other productions or merchandise.

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM.
Speaker of the Senate.

APPROVED—The sixteenth day of June, A. D. one thousand eight hundred and thirty-six.

JOS: RITNER.

No. 195.

An Act

For the relief of James Richy, and other soldiers and widows of soldiers of the revolutionary war.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the State Treasurer be, and he is hereby authorized and required to pay to James Richy, Daniel Coles, and Abraham Gallentine, of Fayette county, Evan Russel of Chester county, Jacob Davis of Philadelphia county, James Armstrong of Lycoming county, Henry Hoover of Franklin county, and Benjamin Coleman of Columbia county, soldiers, and Elizabeth Blose, and Anna Catherine Lynn, of Northampton county, Hannah Hicks, Frances Parks, Elizabeth Shiveler and Margaret Hickman of Fayette county, and Ann Wunder of Philadelphia county, widows of soldiers of the revolutionary war, or to their respective orders, a gratuity of forty dollars each, immediately, and an annuity of forty dollars each, during life, to commence on the first day of July, one thousand eight hundred and thirty six.

Gratuities & annuities of \$40 each, to Jas. Richy, and others.

SECTION 2. The State Treasurer is hereby authorized and required to pay to Barbara Miller, of Lancaster county, widow of a revolutionary soldier, a gratuity of forty dollars

Gratuity of \$40 to Barbara Miller.

immediately, in full for the revolutionary services of her husband; the foregoing gratuities and pensions to be paid in conformity with existing laws.

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The sixteenth day of June, Anno Domini,
one thousand eight hundred and thirty-six.

JOS: RATNER:



No. 196.

An Act

For the relief of Thomas Davis and others, soldiers and widows of soldiers of the revolutionary war.

Gratuities &
annuities of
\$40 each, to
Thos. Davis,
and others.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the State Treasurer is hereby authorized and required to pay to Thomas Davis, Jacob Rimby, and Jacob Zumbro of Chester county, Archibald Darrah of Bucks county, Andrew Lashe of Perry county, John Skiles of Cumberland county, Peter Baney of Lebanon county, and James M'Kissick of Indiana county, soldiers, and Margaret Jamison of Lancaster county, and Anna Maria Primmer of Philadelphia county, widows of soldiers of the revolutionary war, or to their respective orders, a gratuity of forty dollars each, immediately, and an annuity of forty dollars each during life, to commence on the first day of January, one thousand eight hundred and thirty-six.

Gratuities of
\$40 each, to
Jacob Fisher,
and others.

SECTION 2. The State Treasurer is hereby authorized and required to pay to Jacob Fisher of Lehigh county, John Jacob Fisher, Bitler of Schuylkill county, and Lewis Harple of Chester county, and John Hall of Allegheny county, soldiers of the revolutionary war, a gratuity of forty dollars to each, imme-

diately, in full for the services performed by them in said war; the foregoing gratuities and pensions to be paid in conformity with existing laws.

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The sixteenth day of June, Anno Domini, one thousand eight hundred and thirty-six.

JOS: RITNER.



No. 197

A Supplement

To an act entitled "An act relating to Aldermen for the county of Philadelphia," passed the fourth day of May, eighteen hundred and thirty-two.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passage of this act, all justices of the peace resident in the district of the Northern Liberties, the district of Southwark, the townships of Moyamensing and Passyunk, the district of Spring Garden, and the district of Kensington, in the county of Philadelphia, who have been appointed and commissioned prior to the fourth day of May, eighteen hundred and thirty-two, respectively shall have, possess, and exercise all the powers, authority and jurisdiction that they had, possessed and exercised, at and immediately before the passing of the act to which this is a supplement, and all the powers, authority and jurisdiction that aldermen in the above named districts and townships now have, possess, and exercise.

SECTION 2. That said justices of the peace resident in the above named districts and townships, and who have been appointed and commissioned prior to the fourth of May, eighteen hundred and thirty-two, as aforesaid, respectively shall be entitled to have, demand and receive the same fees, perquisites, and compensation, that they were entitled to

have, demand and receive, at and immediately before the passing of the act to which this is a supplement, and the same which aldermen in the above named districts and townships are now by law entitled to have, demand and receive.

Justices of
the peace
made alder-
men.

SECTION 3. That said justices of the peace respectively, shall, by virtue of their offices, be aldermen of the county of Philadelphia.

Repeal.
Proviso.

SECTION 4. The sixth section of the act to which this is a supplement, be and the same is hereby repealed: *Provided*, That the operation of this act, shall not extend or apply to any justice or justices of the peace who have been appointed or commissioned since the fourth day of May, eighteen hundred and thirty-two, or who may hereafter be appointed or commissioned.

NER MIDDLESWARTH,

Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,

Speaker of the Senate.

APPROVED—The sixteenth day of June, A. D. eighteen hundred and thirty-six.

JOS: RITNER.

No. 198.

An Act

To incorporate the Preston Retreat, and relative to the sale of lands of St. John's church, in Norristown, Montgomery county, and for other purposes.

Preamble.

WHEREAS, Jonas Preston, M. D. late of the city of Philadelphia, deceased, by his last will and testament, dated the twelfth day of fifth month, in the year of our Lord, one thousand eight hundred and thirty-five, expressed his opinion that a lying-in hospital for indigent married women of good character, ought to be established in the city of Philadelphia, distinct and unconnected with any other hospital, where such females may be received, and be provided with proper obstetric aid, for their delivery, and with suitable attendance

and comfort during the period of their confinement: *And whereas*, Under the influence of that benevolent opinion, he as, by his said will, bequeathed a large portion of his estate for the purpose of establishing and endowing an institution or hospital, for the purposes aforesaid, on condition that the same shall be incorporated on the plan suggested by himself in said will: *And whereas*, The following named persons have agreed to form themselves into an association, to carry into effect the said intentions of the said Jonas Preston, M. D. and others may join them for that purpose.

SECTION 1. *Be it therefore enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That John Sergeant, George Thomas, Joseph Parker Norris, Joseph Parish, Nicholas Bidelle, James Martin, Joseph Watson, John M. Ogden, Richard Price, Robert Patterson, Henry C. Corbit, James Mott, Elihu Chauncey, John Bouvier, Benjamin H. Yarnall, William Hembell, Joseph Trotter, Nathan Shoemaker, Joseph Cowperthwait, Thomas H. Yardley, Samuel Spackman, Charles Chauncey, William Wharton, John G. Watmough, James Dundas, Philip M. Price, Frederick Fraley, Joseph Price, jr. Robert Toland, J. Wilson Moore, Caleb Cope, Samuel Haydock, Samuel Webb, Henry M. Zollikoffer, Dillwyn Parrish, Richard Oakford, George Peterson, Charles Noble, Edwin P. Atlee, Joseph M. Truman, Joel Atkinson, Charles Evans, Benjamin P. Smith, Joshua C. Oliver, Joseph S. Lovering, Robert E. Peterson, Thomas B. Longstreth, David Ellis, Charles C. Jackson, Peter Wright, Clement Biddle, Thomas Zell, Elijah Dallett, Thomas Firth, Joseph Warner, Henry J. Williams, Charles Naylor, John Gest, Edmund Wilcox, Henry S. Spackman, William Ashbridge, Joseph Wood, William H. Spackman, William M. Meredith, Thomas Wood, Abraham L. Pennock, William B. Fling, Dr. George Thomas, Jacob Frick, George Smith. (Delaware county) Joseph T. Mather, George Spackman, M. D., Edward Needles, Tristram Needles, J. Brown Smith, Thomas Esttack, Lewis Walton, M. M. Reeve, M. D., Harper Walton, M. D., F. S. Beattie, M. D., Alexander Henry, B. W. Richards, John J. Smith, jr. Robert Pearsall, G. J. Naucrad, John Crean, Findley Highlands, William H. Richards, George Handy, James Hutchinson, Truman M. Hubbell, William B. Reed, James M'Cormack, J. R. Burden, J. B. Sutherland, Samuel Badger, Edward King, David S. Hassinger, John Hassinger, Joseph B. Smith James M. Brown, James R. Wilson, Wm. G. Alexander, Samuel Palmer, Geo. F. Lehman, William E. Lehman, Jacob Frick, Elijah Dallett, Thomas U. Walter, Robert O'Neil, Abraham Miller, F. J. Harper, George W. Toland, Franklin Vansant, and all other persons who with them shall become contributors, agreeably to the rules and

regulations hereinafter prescribed, be, and the same are hereby incorporated into a society, by the name and title of the Preston Retreat, and by that name shall have perpetual succession, with power to have a common seal, and charge the same at pleasure, to make contracts relative to the said institution, to sue and be sued, and by that name and style to be capable in law of taking, holding, mortgaging, and conveying any estate, real or personal, stocks, bonds, mortgages and other securities, the annual income of which shall not exceed fifty thousand dollars, to be appropriated to no other purposes than those authorized by the will aforesaid, and the act of assembly.

By-laws. SECTION 2. *Be it further enacted by the authority aforesaid,* That the society may establish by-laws, rules, and regulations for its government, not repugnant to the constitution and laws of the United States, or of this commonwealth, nor inconsistent with the design and intention of Dr. Jonas Preston, as expressed in his said will.

What constitutes membership. SECTION 3. *And be it further enacted by the authority aforesaid,* That the members of this institution shall consist only of such persons who shall annually contribute and pay the sum of five dollars, and of such persons who shall pay thirty dollars, or more, at one time, as a contribution for life.

Election; board of managers and other officers. SECTION 4. *And be it further enacted by the authority aforesaid,* That the affairs of the institution shall be conducted by a board of managers, to consist of twenty-four contributors, to be elected annually, by ballot, on the second Monday in January, by the contributors, who at the time, or before the election, have paid the full amount of their contributions; at the same time, and in the same manner, a treasurer and two auditors shall be elected; the said board shall assemble on the Wednesday next following their election, and organize, by choosing from their number a president and secretary: *Provided,* That the failure to elect on the day above named, shall not dissolve the said corporation, but the election may be held on another day, and the officers and managers then in office, shall continue until such election shall be made, and their places supplied; fifteen days previous notice of the annual election, shall be given in two daily newspapers in the city and county of Philadelphia, and in one newspaper published in the county of Delaware.

Visiting committee. SECTION 5. *And be it further enacted by the authority aforesaid,* That the board of managers, at their first stated meeting after their election, annually, shall appoint a visiting committee, to consist of not less than twelve respectable females, from the city and county of Philadelphia, and county of Delaware, which said committee shall be governed by such rules and regulations as the board of managers shall from time to time adopt: *Provided,* That in the selection and

Proviso.

novals of physicians, nurses, and other assistants, special
 pect shall be paid by the managers to the opinion and
 vice of the attending committee of female superintend-
 ce.

SECTION 6. *Be it further enacted by the authority afore-*
said, That the persons to be admitted to the benefits of this Who shall be
stitution, shall be married females, of indigent circum- admitted.
stances, who are near the time of their confinement, but in no
case shall they remain under the care, and at the expense of
the institution, longer than four weeks, after their delivery,
unless by consent of two thirds of the board of managers,
and then not longer than twelve weeks: Provided neverthe- Proviso.
less, That no person shall be admitted to the benefits of this
institution, but such as at the time of application, shall be
resident in the city or county of Philadelphia, or county of
Delaware, and shall have produced to the managers satisfac-
tory testimonials of good character.

SECTION 7. *And be it further enacted by the authority*
foresaid, That the hospital shall be located at some suitable Location.
place, to be selected by the managers, within the following
limits, between the rivers Delaware and Schuylkill, and
between Cedar street and Coates' street, continued to Schuyl-
kill.

SECTION 8. *And be it further enacted by the authority* Managers
foresaid, That the board of managers shall have power to may remove
appoint and remove at pleasure, physicians, and all officers Physicians &
selected by the contributors, as may seem to them necessary, others, fix
fix their compensation, and the duties to be performed, and compensa-
tion, &c. of
the security, if any, to be given by them, and also to pre- officers.
scribe the duties, fix the salary, and the amount and nature
of the security to be given by the treasurer.

SECTION 9. *And be it further enacted by the authority* Collateral in-
foresaid, That all the bequests and devices for charitable heritance tax
purposes, contained in the last will and testament of the late released on
doctor Jonas Preston, be, and the same are hereby released certain char-
and exempted from the payment of the collateral inheritance itable be-
quests, to which, by the existing laws, they are liable, and the quests.
lands and buildings to be occupied for said hospital, to be Preston Re-
called "The Preston Retreat," shall forever hereafter be treat exempt
exempt from all taxes whatsoever. from taxation

SECTION 10. *And be it further enacted by the authority*
foresaid, That within thirty days after the passage of this Officers to be
act, a general meeting of the contributors shall be held, at elected annu-
some suitable place, when and where they shall elect a ally.
board of managers, a treasurer, and two auditors, in the
manner hereinbefore provided for, to serve until the first
annual election, ten days previous notice of the time and Notice of
place of said meeting to be given, in at least two daily news- election.
papers in the city and county of Philadelphia, and one news-

paper published in the county of Delaware, by the twelve first named corporators in this act, or a majority of them.

May receive
donations,
legacies, &c.

How appro-
priated.

SECTION 11. *Be it further enacted*, That the managers of this institution may receive contributions, donations, legacies and devises, to be kept separate and distinct from the sum bequeathed for the establishment of the hospital by the will of Doctor Jonas Preston, and appropriate the same for the relief of indigent lying-in married women, or widows, in their own houses, and also to the support of infant children under the age of seven years, in destitute circumstances, during the absence of their mothers, by their confinement in said hospital.

St. John's
church, Nor-
ristown,

Authorized
to sell certain
ground.

SECTION 12. That the rector, wardens, and vestry of St. John's church, in the borough of Norristown, in the county of Montgomery, be, and they are hereby authorized to make sale of so much of their lot of land in the borough of Norristown, not occupied by their said church, or as a burying ground, as they, in their discretion, shall think proper, and to execute to the purchaser a deed or deeds for the same, which deed or deeds shall be valid and effectual to vest in the purchaser or purchasers, his or their heirs and assigns, all the estate of the said corporation to the lands so conveyed.

J. Lloyd and
G. H. Paw-
ling authori-
zed to sell
certain land
in Montgom-
ery county.

Provided.

SECTION 13. That John Lloyd and George H. Pawling of the county of Montgomery, be, and they are hereby authorized, to sell, either at public or private sale, a certain tract of land, situate in the township of Moreland, and county aforesaid, containing about seventy acres of land, being part of two lots of land which was conveyed by Charles Garrison and Thomas Covington, to Michael Riderpough, late of said township, deceased, and of which the said Michael Riderpough died seized, and the said John Lloyd and George H. Pawling, are hereby further authorized to make and execute a deed or deeds, or other assurance or assurances, for the said tract of land, to the purchaser or purchasers thereof, which said deed or assurance, shall be good, valid and effectual, to vest in the said purchaser or purchasers all the right, title and interest in which the said Michael Riderpough had and held in the same, at and immediately before his death: *Provided*, That before the said deed or assurance be executed or rendered valid, the said John Lloyd and George H. Pawling, shall give bond, in such form, in such sum, and with sufficient sureties, as the Orphans' court of Montgomery county may direct, for the faithful execution of the trust hereby confided to them, and for the proper application and distribution of the proceeds of the sale hereby authorized, according to the true intent and meaning of the last will and testament of the aforesaid Michael Riderpough.

SECTION 14. WHEREAS, it has been represented that Jacob Fraily formerly purchased a small house and half lot of ground

in the city of Lancaster, and caused the title to be vested in a trustee, for the use of his wife Mary, and at her death, for the use of their children, that the house is now in a dilapidated condition, unsuitable for a dwelling, and that the said Jacob is unable to keep the same in repair, that it would be advantageous to the family of the said Jacob, to make an exchange of said property for a commodious house and piece of ground, vested in the same manner, but on account of the minority of some of his children, he is unable to effect the same; Therefore.

Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the said Jacob Frailey and Mary his wife, are hereby authorized and empowered to make a conveyance, in fee simple, as well for themselves as for their children now living, or which may hereafter be born, to George Heckert, his heirs and assigns, of the house and half lot of ground which they at present occupy in the city of Lancaster, upon this condition; that he, the said George Heckert, do execute a good and valid title for a house and peice of ground in the same city, for the benefit of the said Mary, and the children of the said Jacob and Mary, in the same manner, and upon the same trusts, restrictions, limitations and provisions, as are contained in the deed, bearing date the ninth February, eighteen hundred and twenty-eight, executed by Jacob Foos, and wife, Elizabeth Tryer.

SECTION 15. That Nathan Means, of Allegheny county, N. Means, executor of Thomas Larimer, of said county, now deceased, is hereby authorized and empowered to make sale, for the best price that can be obtained, of all the right and title, interest and claim which James Means Larimer, Alexander Patterson Larimer, and John Means Larimer, minor children of said Thomas Larimer, deceased, have of, in, and to a tract of land, being ninety acres, situated in Jefferson township, Allegheny county: *Provided*, That the money arising from such sale, shall be paid over to the guardians of said minor children, and be by them invested in such manner as may be approved of by the Orphans' court of Allegheny county.

SECTION 16. That it shall be lawful for the York Haven and Harrisburg bridge turnpike road company, to make and execute a mortgage or mortgages on their road, and privileges and appurtenances incident thereto, and connected therewith, by deed, under their corporate seal, as security or securities for the payment of any debts now owing by company, or for the payment of money to be borrowed for the payment of such debt or debts, which said mortgages shall have the same effect as mortgages of lands, under the existing laws of this commonwealth.

N. P. Hobart **SECTION 17.** That Nathaniel P. Hobart, trustee of ~~is~~
 authorized to wife Joanna, and her children, named in a deed from Rebecca
 sell a certain Jolly, for a certain messuage and tract of land, containing
 tract of land about forty-five acres, situate in the county of Montgomery,
 in Montgom- and state of Pennsylvania, be authorized, with the consent
 ery co. of his said wife, to sell and dispose of the said messuage
 and tract of land, at public or private sale, and to make a
 good and sufficient conveyance for the same to the purchaser
 or purchasers thereof, in fee simple, or for any less estate.

Proviso.

Provided, That the whole proceeds arising from such sale
 be reinvested by the said trustee, in the purchase of other
 real estate, or in sufficient landed property, or in the public
 stocks, in the name of the said Nathaniel P. Hobart, his
 heirs and assigns, in trust for the purposes mentioned in the
 said deed, from the said Rebecca Jolly; but it is hereby
 declared, that this proviso shall not be taken or construed to
 require that the purchaser or purchasers of the said real estate
 shall be bound to look to the application of the purchase money
 arising therefrom, or to the reinvestment hereby directed.

John Leasure,
 of Indiana co.
 authorized to
 bring suit in
 certain cases.

SECTION 18. That John Leasure, of the county of Indi-
 ana, late supervisor of Mahoning township, in said county.
 be, and he is authorized to bring a joint suit or suits,
 action or actions, in the court of Common Pleas of said
 county, against the townships of Mahoning and Montgomery.
 to recover any money by him expended as supervisor of
 Mahoning township, in said county, for which he has not
 be remunerated, said suit or suits, action or actions, to be
 brought and conducted in the same manner, and on final
 judgment, to have the same effect as suits now have when
 brought against a township in pursuance of the act entitled
 "An act relating to counties and townships, and county and
 township officers," passed the fifteenth day of April, in the
 year of our Lord, one thousand eight hundred and thirty-
 four; and the said court of Common Pleas of Indiana county,
 are hereby authorized to direct how much, if any, each of
 said townships shall pay of the judgment that may be rendered
 against them.

Mary P. Hoff-
 man authori-
 zed to sell lot
 of ground in
 city of Phila.

SECTION 19. That Mary P. Hoffman be, and she is hereby
 authorized, at such time, and in such manner as the court of
 Common Pleas for the county of Philadelphia shall direct,
 to sell at public sale, all that certain lot or piece of ground,
 with the buildings thereon, situate at the south-east corner
 of Arch and Schuylkill Third streets, in the city of Phila-
 delphia, containing in front, on Arch street, sixty feet, and
 in depth, along Schuylkill Third street, one hundred and
 fifty feet, to a thirty feet wide alley or court, leading parallel
 with Arch street aforesaid, into the said Schuylkill Third
 street, being the same lot of ground of which John Hoffman
 of the Northern Liberties, in the county of Philadelphia,
 died seized, and to execute a deed or deeds to the purchaser

or purchasers, their heirs and assigns, therefor, which shall be valid and effectual, to vest in the purchaser or purchasers, all the right, title and interest which the said John Hoffman had and held in the same, at and immediately before his death: *Provided however,* That before such deeds be executed, or rendered valid and effectual, the purchase money, or so much thereof as may be paid, shall be paid into court, and the securities for the remaining purchase money, placed under the controul of said court, on security given by the said Mary P. Hoffman, for the faithful appropriation and investment of said monies and securities, as is by this act directed.

SECTION 20. That the proceeds of said sale, after the payment of all liens and expenses, shall be invested under the directions of the said court, and the securities for the unpaid purchase monies, shall be taken for the use and benefit of such persons as are entitled to said real estate, under the will of the said John Hoffman, dated the twenty-second day of June, eighteen hundred and thirty-three, and duly proved, in the office of the register of wills for the city and county of Philadelphia; and the said court shall have full power to do all such acts as may be necessary fully and effectually to secure the monies arising from the sale, for the benefit of those entitled to the said real estate, under the said will.

SECTION 21. That Alexander Brackenridge, William Robinson, jr. John Bissell, Sylvanus Lothrop, Francis G. Bailey, John Tassey, Robert Galray, Malcom Leech, Thomas Fairman, Richard Gray, William Fitzimons, George Ogden, Michael Tierman, Charles Avery, James S. Craft, and James Cuddy, be, and they are hereby appointed commissioners to do and perform the several things hereinafter mentioned, that is to say: they shall, on or before the first day of June next, provide a book or books, for the entering of subscriptions, and shall write therein as follows: "We whose names are hereunto subscribed, do promise to pay to the president and managers of the Pittsburg and Allegheny bridge company, for erecting a bridge over the Allegheny river, from the end of Hand street, within the limits of the city of Pittsburg, in the county of Allegheny, the sum of fifty dollars for each and every share of stock in the said company, set opposite to our respective names, in such manner and proportions, and at such times as shall be determined on by the president and managers, in pursuance of an act of the general assembly, entitled "An act authorizing the Governor to incorporate a company to erect a bridge over the Allegheny river, from the end of Hand street, in the city of Pittsburg, and county of Allegheny; witness our hands, the day of ,

Notice.	in the year of our Lord, one thousand eight hundred and ;” and shall thereupon give notice, in one
Number of shares.	of the public newspapers printed at Pittsburg, during or calendar month at least, of the times and places where and when the said books shall be open to receive subscribers at which times and places, some one or more of the said commissioners shall attend for that purpose, and keep open the said books, during six hours in each of three successive days, or until twelve hundred shares shall be subscribed and if twelve hundred shares shall not be subscribed within that period, then the said commissioners may adjourn from time to time, until the said number of shares shall be subscribed, of which adjournments, public notice shall be given in some two or more of the newspapers of said city
Proviso.	Pittsburg: <i>Provided always</i> , That every person, on entering his name in the said books as a subscriber, shall pay five dollars on each share he shall subscribe, as a fund, out of which shall be defrayed the expenses attending the taking subscriptions, and other incidental charges, and the remainder shall be paid over to the treasurer of the corporation, as soon as the same shall be organized, such first payment on each share, to be taken and considered as a part payment on each share subscribed for.
When letters patent may issue.	SECTION 22. As soon as eight hundred shares shall have been subscribed, the said commissioners, or a majority of them, may certify the same, together with a list of the subscribers, and the shares subscribed by each, in writing to the Governor, who thereupon, shall constitute the said subscribers, and also, all those who may in future subscribe under the provisions of this act, a body corporate or politic by the name and style of the president and managers of the Pittsburg and Allegheny bridge company, for erecting a bridge over the Allegheny river, from the end of Hand street within the limits of the city of Pittsburg, across to the end of Chesnut street or Grey's aseto lane, within the limits of the borough of Allegheny, in the county of Allegheny, with all the privileges incident to a corporation, who shall have perpetual succession, and shall be capable of taking and holding the said capital stock, and the increase and profits thereof, and of enlarging the same by new subscriptions, such enlargement shall be necessary to fulfil the purposes of this act, in such manner and form as they may think proper, and of purchasing, taking and holding, to them and to their successors and assigns, in fee simple, or for any less estate all such lands, tenements or hereditaments, real and personal as shall be necessary and convenient for them in the prosecution of their works, and the same to sell and dispose of at their pleasure, of suing and being sued, and of doing all and every other matter and thing which a corporation or body politic may lawfully do.
Name and style.	
Privileges & liabilities.	

SECTION 23. The six persons first named in the letters Organization of incorporation, shall, as soon as conveniently may of company. e after sealing the same, give notice, in two or more of the public newspapers printed at Pittsburg, of a time and place to be appointed, not less than thirty days from the time of issuing said notice, at which time and place, the said subscribers shall proceed to organize the corporation, and shall choose, by a majority of votes of the said subscribers, taken by ballot, to be delivered either in person, or by proxy duly authorized, one president, ten managers, one treasurer, one clerk, and such other officers as they may think necessary, to conduct the business of the company during one year, and until other officers be chosen, and shall have power to make such by-laws, rules, orders and regulations, (not inconsistent with the constitution and laws of this state, or of the United States,) as may be necessary for the well ordering the affairs of the company: *Provided always,* That **Provided.** no stockholder shall have more than one vote for each share not exceeding five shares; and one vote for every two shares above five and not exceeding eleven; and one vote for every three shares above eleven and not exceeding twenty; and one vote for every five shares above twenty: *Provided also,* **2d Prov** that no person shall have more than twenty votes at any election, or in determining any question arising at such meetings, whatever number of shares he may have subscribed.

A public meeting of the said stockholders, shall be held on Annual the first Monday of July next following the first election had meeting of as aforesaid, and on the first Monday of July in every succeeding stockholders. year, at such place as shall be fixed by the rules and orders of the said company, for the purpose of choosing officers for the ensuing year, and the determination of any question affecting the interests of said company.

SECTION 25. The president and managers shall procure Certificates printed certificates for all the shares of stock in the said of stock. company, which shall be signed by the president, and countersigned by the treasurer, and sealed with the seal of the corporation, and each subscriber shall be entitled to one such certificate, for each share by him subscribed for, on paying to the treasurer, in part of the sum due thereon, ten dollars on each share, which certificates shall be transferrable, either **Transfer.** by the owner in person, or by his attorney, duly authorized, in the presence of the president or of the treasurer, for the same being, subject however, to the payments due, or that may grow due thereon, and the persons to whom such transfer shall be made, shall stand in the place of the former holder of the certificate, and be entitled to the same privileges in the company.

Notice.	in the year of our Lord, one thousand eight hundred and ;” and shall thereupon give notice, in three
Number of shares.	of the public newspapers printed at Pittsburg, during one calendar month at least, of the times and places where and when the said books shall be open to receive subscriptions, at which times and places, some one or more of the said commissioners shall attend for that purpose, and keep open the said books, during six hours in each of three successive days, or until twelve hundred shares shall be subscribed; and if twelve hundred shares shall not be subscribed within that period, then the said commissioners may adjourn from time to time, until the said number of shares shall be subscribed, of which adjournments, public notice shall be given. in some two or more of the newspapers of said city of
Proviso.	Pittsburg: <i>Provided always</i> , That every person, on entering his name in the said books as a subscriber, shall pay five dollars on each share he shall subscribe, as a fund, out of which shall be defrayed the expenses attending the taking of subscriptions, and other incidental charges, and the remainder shall be paid over to the treasurer of the corporation, as soon as the same shall be organized, such first payment on each share, to be taken and considered as a part payment on each share subscribed for.
When letters patent may issue.	SECTION 22. As soon as eight hundred shares shall have been subscribed, the said commissioners, or a majority of them, may certify the same, together with a list of the subscribers, and the shares subscribed by each, in writing, to the Governor, who thereupon, shall constitute the said subscribers, and also, all those who may in future subscribe under the provisions of this act, a body corporate or politic, by the name and style of the president and managers of the Pittsburg and Allegheny bridge company, for erecting a bridge over the Allegheny river, from the end of Hand street, within the limits of the city of Pittsburg, across to the end of Chesnut street or Grey’s aseto lane, within the limits of the borough of Allegheny, in the county of Allegheny, with
Name and style.	all the privileges incident to a corporation, who shall have perpetual succession, and shall be capable of taking and holding the said capital stock, and the increase and profits thereof, and of enlarging the same by new subscriptions, if such enlargement shall be necessary to fulfil the purposes of this act, in such manner and form as they may think proper; and of purchasing, taking and holding, to them and to their successors and assigns, in fee simple, or for any less estate, all such lands, tenements or hereditaments, real and personal, as shall be necessary and convenient for them in the prosecution of their works, and the same to sell and dispose of at their pleasure, of suing and being sued, and of doing all and every other matter and thing which a corporation or body politic may lawfully do.
Privileges & liabilities.	

SECTION 23. The six persons first named in the letters Organization patent of incorporation, shall, as soon as conveniently may of company. be after sealing the same, give notice, in two or more of the public newspapers printed at Pittsburg, of a time and place to be appointed, not less than thirty days from the time of issuing said notice, at which time and place, the said subscribers shall proceed to organize the corporation, and shall choose, by a majority of votes of the said subscribers, taken by ballot, to be delivered either in person, or by proxy duly authorized, one president, ten managers, one treasurer, one clerk, and such other officers as they may think necessary, to conduct the business of the company during one year, and until other officers be chosen, and shall have power to make such by-laws, rules, orders and regulations, (not inconsistent with the constitution and laws of this state, or of the United States,) as may be necessary for the well ordering the affairs of the company: *Provided always,* That *Provided* no stockholder shall have more than one vote for each share not exceeding five shares; and one vote for every two shares above five and not exceeding eleven; and one vote for every three shares above eleven and not exceeding twenty; and one vote for every five shares above twenty: *Provided also,* *2d Prov* That no person shall have more than twenty votes at any election, or in determining any question arising at such meetings, whatever number of shares he may have subscribed.

A public meeting of the said stockholders, shall be held on Annual the first Monday of July next following the first election had meeting of as aforesaid, and on the first Monday of July in every succeed- stockholders. ing year, at such place as shall be fixed by the rules and orders of the said company, for the purpose of choosing officers for the ensuing year, and the determination of any question affecting the interests of said company.

SECTION 25. The president and managers shall procure Certificates printed certificates for all the shares of stock in the said of stock. company, which shall be signed by the president, and countersigned by the treasurer, and sealed with the seal of the corporation, and each subscriber shall be entitled to one such certificate, for each share by him subscribed for, on paying to the treasurer, in part of the sum due thereon, ten dollars on each share, which certificates shall be transferrable, either *Transfer.* by the owner in person, or by his attorney, duly authorized, in the presence of the president or of the treasurer, for the time being, subject however, to the payments due, or that may grow due thereon, and the persons to whom such transfer shall be made, shall stand in the place of the former holder of the certificate, and be entitled to the same privileges in the company.

Meetings of
directors ;
their powers

SECTION 26. The president and managers shall meet at such times and places, and be convened in such manners as shall be agreed on, for transacting the business of the company, at which meeting five members shall be a quorum. who, in the absence of the president, shall choose a chairman, and shall keep minutes of their proceedings, to be fairly entered in a book, to be kept for that purpose. and a quorum being met, they shall have full power and authority to appoint such engineers, superintendents, assistants, and workmen, as they shall deem necessary to the erection of said bridge, and they shall fix their salaries and wages; they shall also have power to make contracts, to ascertain the time, manner and proportions in which the stockholders shall pay the money due on their respective shares, to draw orders on the treasurer for the money necessary to pay salaries, wages, and bills for work, and labor done and performed. or materials furnished, which orders shall be signed by the president, or in his absence, by a majority of a quorum, and countersigned by their clerk, and to do and transact all such other matters and things, as by this act, or by the by-laws of the company, shall be committed to them.

Penalty for
neglect to
pay instal-
ments.

SECTION 27. If any stockholder, after thirty days notice, in two of the public newspapers printed in Pittsburg, of the time and places appointed for the payment of any proportion, dividend, or instalment of the said capital stock still due on each share, shall neglect to pay the same, for the space of thirty days after the day whereon the same shall be appointed to be paid, every such stockholder shall, in addition to the instalment so called for, pay at the rate of four per cent. per month for every delay of such payment. and if the same and the said additional penalties remain unpaid so long that the accumulated penalties shall become equal to the sums already paid on such share, the same shall be forfeited to the company. and may be sold, under the direction of the president and managers, or the majority of a quorum of them, at any of their meetings for transacting the business of the company, the order for that purpose being first entered in the book, by the clerk at such meeting.

Of the power
to take lands,
&c. for use
of company.

SECTION 28. Before the president and managers of the company aforesaid, shall proceed to build said bridge, it shall and may be lawful for them to contract with the owner or owners of any land, for the purchase of so much thereof as shall be necessary for the purposes of erecting and completing said bridge, and making all the necessary works and causeways to and from the same, if they can agree with the said owner or owners, but in case they cannot agree, then it shall and may be lawful for the said president and managers, to apply to the court of Common Pleas of Allegheny county,

When parties
cannot agree
viewers to be
appointed.

who, upon such application, are hereby authorized and required to appoint three discreet and disinterested freeholders of this state, who, after being duly sworn or affirmed faithfully to perform the duties enjoined on them by this act, shall carefully proceed to view and examine the said lands, as shall be necessary for the purpose of erecting and completing the said bridge, and making all the necessary works and causeways to and from the same, and shall, according to the best of their skill and judgment, estimate the value of the lands so necessary to be taken, as aforesaid, and having estimated the advantages, as well as the disadvantages which may be sustained by the owner or owners of such lands, shall make an appraisement thereof, in writing, and the same shall return, together with a map describing the bounds of such land, to the said court of Common Pleas, and the said appraisement having been confirmed by the Appraiser-court, shall be filed in the prothonotary's office, together with the said map, and the said president, managers and company, having paid to the said owners respectively, the several sums awarded to be paid to them, together with costs of the appraisement, the said corporation shall be entitled to have and to hold, to them and their successors and assigns, the said lands, as fully as if they had been granted by their respective owners, and thereupon, and not before, it shall be lawful to commence the erection of the said bridge.

SECTION 29. The president and managers of said company, shall keep fair and just accounts of all monies received by them from the commissioners aforesaid, and from the subscribers to the capital stock of said company, for all penalties for delay in payment thereof, and of the amount of the profit on shares which may be forfeited, as aforesaid, of all voluntary contributions, and of monies expended by them in the prosecution of the said work, and shall, once in every year, submit such accounts in detail, to a general meeting of the stockholders, until the said bridge be completed, and all expenses incurred in erecting the same shall be fully paid and discharged, and the aggregate amount of all such expenses shall be liquidated and ascertained, and if such liquidation, or whenever the whole capital stock of the said company shall be nearly expended, it shall be found that the said capital stock will not be sufficient to complete said bridge, according to the true intent and meaning of this act, it shall be lawful for the said company, at a stated or special meeting, to be convened according to the provisions of this act, or their own by-laws, to increase the number of shares to such extent as shall be deemed sufficient to accomplish the work, and to demand and receive the monies subscribed on such shares, in like manner, and under like penalties as are herein provided for the original subscription.

Accounts to be kept.

Number of shares may be increased.

Tolls.

Proviso.

SECTION 30. When the Pittsburg and Allegheny bridge company shall have erected and completed a bridge at the place aforesaid, the property thereof shall be vested in the said company, and their successors and assigns, during and unto the end of forty years, to commence from the time when said bridge shall be completed; and the said company, their successors or assigns, are hereby empowered to erect gates, and demand and receive tolls as follows, viz: For every foot passenger two cents; for every carriage, of whatever description, used for the purposes of the trade or agriculture, having four wheels and drawn by six horses, seventy-five cents; for such carriage, having four wheels and drawn by five horses, sixty-two and one half cents; for every such carriage, having four wheels and drawn by four horses, fifty cents; for every such carriage, having four wheels and drawn by three horses, forty-four cents; for every such carriage, having four wheels and drawn by two horses, thirty-seven and one half cents; for every such carriage, having four wheels and drawn by one horse, thirty-one cents; for every carriage, of whatever description, used for the purpose of personal accommodation or pleasure, having four wheels and drawn by four horses, seventy-five cents; for every such carriage, having four wheels and drawn by two horses, sixty-two and one half cents; for every such carriage, having four wheels and drawn by one horse, thirty-seven and one half cents; for every carriage, of whatever description, used for the purpose of trade or agriculture, having two wheels and drawn by four horses, forty-four cents; for every such carriage, having two wheels and drawn by three horses, thirty-seven and one half cents; for every such carriage, having two wheels and drawn by two horses, thirty-one cents; for every such carriage, having two wheels and drawn by one horse, eighteen cents; for chair, or other two wheeled carriage of pleasure, and for every horse used therein, eighteen cents; for every sleigh or sled drawn by four horses, thirty-seven and one half cents; for every sleigh or sled drawn by three horses, thirty-one cents; for every sleigh or sled drawn by two horses, twenty-five cents; for every sleigh or sled drawn by one horse, twelve and one half cents; for every horse, mare or gelding, with or without a rider, six cents; for every carriage drawn by oxen, or partly by oxen and partly by horses, to be rated in proportion of two oxen for one horse; and in all cases a mule shall be rated in the same proportion as a horse; for every head of horned or muley cattle, four cents; for every head of sheep or swine, two cents; *Provided,* That any person or persons attending funerals, any detachment of the military of this state, or of the United States, foot passengers attending divine service on the Sabbath day, students or children attending schools or other seminaries of learning, shall at all times be exempt from toll: *Provided,*

That nothing in this act shall be so construed as to prevent^{2d} *Provide.* the said company from contracting with any person or persons desirous of using said bridge, for an annual sum, in place of the toll hereinbefore mentioned: *And provided also,* That^{3d} *Provide* when the toll shall exceed fifteen per cent. nett annual profit, the excess shall compose a fund for the redemption of the bridge, so as to render it free, save that there shall always be a small toll collected for keeping it in repair; and if at the expiration of the forty years aforesaid, the amount of the said fund shall be found inadequate to the redemption of said bridge, so as to declare it free, providing at the same time for its repairs, then the said company shall be obliged to take such sum of money therefor as shall be allowed on a fair appraisement, by disinterested persons, to be chosen in such manner as directed by law; but if the said bridge shall not be redeemed and paid at the expiration of the said term of forty years, the said corporation may and shall continue to hold the same, on the terms of this act, beyond the said term, and until the same shall be redeemed and paid for in the manner herein directed, or in some other manner, as may be directed by the legislature.

SECTION 31. If the said company, their successors or assigns, or any person employed by them, shall collect or^{Penalty for} demand any greater rate or prices for the passing over the said bridge, than what is hereinbefore prescribed or shall neglect to keep the said bridge in repair, he, or they, shall forfeit and pay for every such offence, the sum of twenty dollars, to be recovered before any justice of the peace of said county, one half thereof to be paid to the overseers of the poor of the city of Pittsburg, for the use of the poor of said city, and the other half to the person who shall sue for the same: *Provided always,* That no suit shall be brought in^{Provide.} respect of this, unless within fifteen days after the offence be committed: *And provided also,* That the judgment of the^{2d} *Provide.* said justice, in any such case brought before him, shall be liable to reversion, either by appeal to the court of Common Pleas of said county, if the merits of the case be contested, or by certiorari, if the legality of his proceedings or jurisdiction be disputed.

SECTION 32. The said president, managers and company,^{Dividends.} shall keep a just account of all moneys received by their collectors of tolls, for crossing the said bridge, and shall declare and make a dividend of the income and profits thereof, among all the subscribers to the said company's stock, in proportion to their respective shares, first deducting all contingent costs and charges, and such proportion of the income as may be sufficient for a fund to provide against the decay, the repairing, or the rebuilding of the said bridge, as time and accident may render necessary, and shall, on every first Monday of January, and every first Monday of July of

No. 199.

A Supplement

To an act entitled "An act to amend an act entitled 'An act to incorporate the Pennsylvania and Ohio Canal company, and for other purposes.'"

Assent of
Penn'a. to
the act of
Ohio, passed
March 2d,
1836.

Ratification
and confirm-
ation of said
act.

Commiss'rs.
to appraise
damages on
Penn'a. and
Ohio canal in
Penn'a.

Authority to
borrow mon-
ey.

Act of Ohio
to be annex-
ed to this act.
Copy of this
act to be
transmitted
to the Gov-
ernor of Ohio

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the full and entire assent of this commonwealth, be, and the same is hereby given, to all and each of the provisions mentioned and contained in an act of the legislature of the state of Ohio, passed on the second day of March, one thousand eight hundred and thirty-six, entitled "An act to amend an act to incorporate the Pennsylvania and Ohio canal company," passed January the tenth, one thousand eight hundred and twenty-seven, and the act amendatory thereto, passed February the twentieth, one thousand eight hundred and thirty-five; and the said act of the second day of March, is hereby adopted, ratified and confirmed, and enacted into a law of this commonwealth, and all and each of the provisions, conditions and restrictions thereof, as fully and effectually as if the same were enacted paragraph by paragraph, and section by section, so far as the same can apply to this commonwealth.

SECTION 2. That Robert Stewart of the borough of Mercer, in Mercer county, John Carothers and Archibald Harvey of the county of Beaver, be, and they are hereby appointed commissioners, to appraise damages which have been, or may be occasioned by the construction of that part of the Pennsylvania and Ohio canal, located within the limits of Pennsylvania, in conformity to the provisions of the ninth section of the act of assembly incorporating the said canal company.

SECTION 3. The directors or managers of said company, shall have full power and authority to borrow from individuals, or bodies corporate, such sum or sums of money as may be deemed necessary for the completion or repair of the said canal.

SECTION 4. An exemplified copy of the said act, the date and title of which is recited in the first section of this act, shall be annexed to this act, and published in the same manner as this act shall be published, and the Governor of this commonwealth, shall cause an attested copy of this act to be transmitted to the Governor of Ohio, for the use of that state.

SECTION 5. That Francis B. Nichols of the county of Schuylkill, Robert T. Conrad of the county of Philadelphia, and such persons as they may associate with them, are hereby created a body politic and corporate, in deed and in law, by the name, style and title of "The steam navigation company," and by the same shall have perpetual succession, and have all the rights, and be liable to all the duties and obligations of a body corporate, for the purpose of building steam vessels, the necessary engines and apparatus, to be propelled across sea, by the application and use of the anthracite coal of Pennsylvania; the capital of the said corporation not to exceed five hundred thousand dollars, the business of the said corporation to be managed in such manner as shall be directed by the by-laws, to be adopted by a majority of said company, and this act shall continue in force for twenty years, and no longer, and also, be subject to amendment or repeal by the legislature.

Corporators
of the Steam
Navigation
company.

Corporate
powers and
privileges.

Capital not
to exceed
\$500,000.

This act to
continue in
force 20 yrs.,
and be sub-
ject to a-
mendment or
repeal.

SECTION 6. That the ninth section of the act entitled "An act for the conveyance of certain real estate, and for other purposes," passed the twenty-eighth day of March, A. D. eighteen hundred and thirty-six, shall be deemed and construed to have the same force and effect, as if the name of James Floyd had been inserted therein, instead of the name of James Lloyd.

In 9th sect'n.
of act of
March 28th,
1836. James
Lloyd should
be James
Floyd.

SECTION 7. That all the powers granted to, and restrictions imposed upon the Philadelphia Loan company, and the Mechanics and Tradesmen's Loan company of the state of Pennsylvania, both approved the thirty-first of March, eighteen hundred and thirty-six, be and the same are hereby extended to the Southern Loan company of Philadelphia.

Southern
Loan comp'y.

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The sixteenth day of June, Anno Domini, one thousand eight hundred and thirty-six.

JOS: RITNER.

An act to amend an act to incorporate the Pennsylvania and Ohio Canal Company, passed January 10th, 1827, and the act amendatory thereof, passed February 20th, 1835.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the capital stock of said company shall

Of transfer & assignment of the capital stock.

henceforth be deemed and held as personal property, and any share or shares of any stockholder may be assigned and transferred on the books of said company, in person, or by power of attorney, executors, administrators, guardians, and trustees, in such manner as shall be prescribed by the by-laws of the board of directors. but no stockholder indebted to the corporation, shall be permitted to transfer his stock while such indebtedness exists, or receive a dividend thereon, until all instalments which shall have been required to be paid by the board of directors, shall be fully paid, any thing contained in said acts to the contrary notwithstanding.

Time of purchasing the canal by the states of Penn'a. and Ohio, extended.

SECTION 2. That the period at which the states of Pennsylvania and Ohio shall have the right to purchase that part of said canal, which lies within their respective territorial limits, shall be, and hereby is extended to the term of fifty years from and after the completion of the same, after which period, the said states shall each have the right to purchase.

Terms.

for the sole use and benefit of such state, such portion thereof, as lies within its limits, by paying to said corporation the amount expended by said company in locating, constructing and repairing said canal, within such state, together with fifteen per centum thereon: *Provided however*, That the sum so to be paid by said states respectively, for so much of said canal as lies within their territorial limits, shall not, together with the tolls received by said company, on such portion thereof, be less than the amount of expenditures thereon, and six per centum per annum thereon.

Canal Commissioners, to fix the point of intersection. Repealing clause.

SECTION 3. That the Canal Commissioners, or board of public works, shall determine the point of intersection with the Ohio canal, and that so much of the aforesaid acts as are contrary or inconsistent with the provisions herein contained, be, and the same are hereby repealed.

WILLIAM MEDILL,

Speaker Pro tem. of the House of Representatives.

LIJAH VANCE,

Speaker of the Senate.

March 2, 1836.

SECRETARY OF STATE'S OFFICE, }

COLUMBUS, OHIO, March 5, 1836. }

I certify the foregoing act to be a correct copy of the original rolls remaining on file in this office.

C. B. HARLAN,

Secretary of State.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name, and caused the great seal of the State of [L. S.] Ohio to be hereto affixed, at Columbus, the fifth day of March, in the year of our Lord, one thousand eight hundred and thirty-six.

By the Governor :

ROBERT LUCAS.

C. B. HARLAN. Secretary of State.

RESOLUTION

No. 1.

Resolution

Relative to the accounts of Philip Peltz, late treasurer of the county of Philadelphia.

Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, That the Auditor General be, and he is hereby Philip Peltz's instructed to reconsider and adjust the accounts of Philip accounts. Peltz, late treasurer of the county of Philadelphia, agreeably to the decision of the Supreme court of Pennsylvania in the case of William Stephens against the commonwealth, and the State Treasurer is hereby directed to pay whatever balance, if any there be, to the said Philip Peltz, out of any money in the treasury not otherwise appropriated.

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—This twenty-fourth day of February, Anno Domini, one thousand eight hundred and thirty-six.

JOS : RITNER.

No 5.

Resolution

Relative to the collection of the State Tax.

Preamble.

WHEREAS, although the law levying taxes on real and personal property for the use of the state, will expire on the twenty-fifth day of March next, yet it appears by the report of the State Treasurer, made to the legislature at the present session, that these taxes are estimated in the receipts of the current year, at two hundred and eight thousand, nine hundred and sixty three dollars and three cents, and that the same would have been collected from the people, notwithstanding the expiration of said law, but by the passage of the late act entitled "An act to repeal the state tax on real and personal property, and to continue the improvements of the state by canals and railroads, and to charter a state bank, to be called the United States bank," the treasury will be supplied in lieu thereof, and it is thereby rendered unnecessary to demand the payment of the same from the citizens of this commonwealth; Therefore,

Secretary of
Common'wth
to give notice
that state tax
is not to be
collected.

Resolved by the Senate and House of Representatives of Pennsylvania in General Assembly met, That the Secretary of the Commonwealth be directed to give notice to the commissioners of the several counties of this state, that they are not required to collect the state tax for the year A. D. eighteen hundred and thirty-six, which has been, or may be assessed for state purposes, since October last, under the act entitled "An act assessing a tax on personal property, to be collected with the county rates and levies, for the use of the commonwealth," and "An act to increase the county rates and levies, for the use of the commonwealth," passed the twenty-fifth day of March, A. D. eighteen hundred and thirty-one, and if collected, the same should be refunded, and that he cause said notice to be published in at least two newspapers in each county, where two such papers are published, and where but one paper is published, then in such paper, for three weeks in succession, the costs of publication to be paid from the county treasury respectively, but if no paper is published in any county, then in such manner as shall best promote the object of this resolution.

NER MIDDLESWARTH,

Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,

Speaker of the Senate.

APPROVED—The tenth day of March, Anno Domini, one thousand eight hundred and thirty-six.

JOS: RITNER.

No. 6.

Resolution

Relative to the distribution of the proceeds arising from the sale of the public lands, and for other purposes.

WHEREAS, by the official statements from the treasury department of the United States, it appears there will be an unappropriated balance in the treasury, above the ordinary demands of the government, subject to the action of congress during the present session; *And whereas*, it is presumed that the wisdom of congress will not suffer that fund to accumulate in the treasury, without devising means by which it can be usefully employed for the benefit of the people of this Union; *And whereas*, some of our sister states deny to congress the constitutional power of making internal improvements in the several states, while all seem to admit the power and propriety of distributing the proceeds arising from, or which may have arisen from the sale of the public lands, amongst the several states, subject to the control of their respective legislatures; *And whereas*, the proportion to which Pennsylvania would be entitled, should such distribution be made, would enable her to complete her public works, and establish a fund for the support of common schools, which would preclude the necessity of taxation for either purpose; *And whereas*, it is the policy of our government to guard against the increase of executive patronage, and especially against the accumulation of large sums of money in the treasury unappropriated; *And whereas*, a very large proportion of the surplus revenue arises from the sales of the public lands, the joint property of all the states, which is regarded as a source of revenue which ought to be applied in the promotion of education, by establishing a system of common schools, to the purposes of internal improvement, or such other purposes as will best promote the interest of the states respectively; Therefore,

Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, That our senators in congress be instructed, and our representatives be recommended, to use their influence to procure the passage of a law to distribute the proceeds arising, or which may have arisen, from the sale of the public lands, amongst the several states, in proportion to the number of members from each state in the House of Representatives of the United States. Relative to the distribution of the proceeds of sales of public lands.

Resolved, That our senators in congress be instructed, and our representatives be recommended, to vote for a liberal

Fortifications and judicious expenditure of public money for the completion and construction of fortifications for the common defence.

Governor to forward copies to senators & members of congress. *Resolved*, That the Governor be requested to forward to each of our senators and members of congress from Pennsylvania, a copy of the foregoing preamble and resolutions, and also to the Governors of the several states, with a request that they shall be laid before their state legislatures, requesting their co-operation.

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The fifteenth day of March, A. D. eighteen hundred and thirty-six.

JOS: RITNER.

—•••—
No. 7.

Resolution

Authorizing the State Treasurer to pay the Commissioners of the Internal Improvement fund, the unappropriated balance of two millions of dollars, amounting, after deducting specific appropriations, to forty-seven thousand two hundred and nineteen dollars and twenty-six cents.

Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, That the State Treasurer be authorized and required to pay to the commissioners of the internal improvement fund, for the use of the motive power fund on the Philadelphia and Columbia railway, the unappropriated balance of the sum of two millions of dollars, amounting, after deducting specific appropriations, to forty-seven thousand two hundred and nineteen dollars and twenty-six cents, or thereabouts, payable by the Bank of the United States to the commonwealth, by virtue of the act of eighteenth of February, one thousand eight hundred and thirty-six.

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The seventeenth day of March, A. D., eighteen hundred and thirty-six.

JOS: RITNER.

No. 8.

Resolution

To authorize the Canal Commissioners to inquire into and adjust the claim of Jacobs and Cornog.

Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, That the Canal Commissioners are hereby authorized *Claim of B.* and required to inquire into the claim of damages sustained *Jacobs and* by Bricton Jacobs and John Cornog, transporters of marble *J. Cornog.* on the Philadelphia and Columbia railroad, caused by one of the engineers of the commonwealth running one of the locomotive engines against their cars, on the Philadelphia and Columbia railroad, on the second day of October last, and if, in their opinion, the said damage done to said cars was occasioned by the negligence and inattention of the agents, or superintendents of the state, having in charge that portion of the public works, and without any negligence on the part of the claimants, then to report the amount of damages, and to pay the same out of the damage fund, and the said payment shall be allowed by the Auditor General, as in other cases.

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The twenty-ninth day of March, Anno Domini, one thousand eight hundred and thirty-six.

JOS: RITNER.

No. 9

Resolution

Relative to the removal of obstructions in the Ohio river.

WHEREAS, the unobstructed navigation of the Ohio river *Preamble.* by steamboats, and otherwise, is of great importance, as well to Pennsylvania and the states which border upon that river, as to the nation at large, promoting our prosperity in peace, and security in war, inasmuch as it will give to our domestic commerce by that river, and the various existing

and projected public works of Pennsylvania, New York, and other states, a grand channel of communication within the borders of our own country, amply sufficient for all the purposes of commerce between the most remote sections of the Union, and perfectly secure, not only from the dangers of the sea, but also from the attacks of any foreign maritime power who may be at war with us; *And whereas*, the present prosperous condition of the national treasury and the country, will permit the expenditure by the general government, of two or three millions of dollars, to remove effectually the obstructions to the uninterrupted navigation by steamboats which now exist in that river; Therefore,

Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met,

Relative to
the improve-
ment of the
navigation of
the Ohio
river.

That our senators in congress be instructed, and our representatives requested, to use every exertion to procure the passage of a law at the present session, making an ample appropriation for the improvement of the navigation of the Ohio river, between the cities of Pittsburg and Louisville, so that the said river may be navigable for steamboats at all seasons of the year, when it is not obstructed by ice.

Governor to
forward cop-
ies to our
senators and
representa-
tives in con-
gress.

Resolved, That the Governor of this Commonwealth be requested to forward a copy of these resolutions to each of our senators and representatives in congress, to be laid before that body.

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The thirty-first day of March, A. D. eighteen hundred and thirty-six.

JOS. RITNER.

No. 10.

Resolution

Relative to the claim of Le Grand Bancroft and John D. Petriken, and Brown and Sawyer, and Josephine C. B. Nourse.

Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, That the Canal Commissioners be, and they are hereby authorized to settle and adjust the claims of Le Grand Ban-

croft and John D. Petriken, late contractors on section thirty-nine, and of Brown and Sawyer, late contractors on section thirty-seven, on the Portage railroad, as may appear equitable and just under their contracts, and agreeably to the fourth section of the act entitled "An act relative to the appointment of Canal Commissioners," dated the sixth day of April, one thousand eight hundred and thirty.

That the board of Canal Commissioners be, and they are hereby authorized and required to investigate the claims of Josephine C. B. Nourse, of the county of Northumberland, for work done by her late husband, as a contractor on the North Branch division of the Pennsylvania canal, for damages sustained in the construction of said canal through her land, in case the party owning the land shall not have released their right to damages, and also, for property taken by the agents of the commonwealth for use of said canal; and it shall be the duty of said commissioners to examine under oath or affirmations, such witnesses as may be offered in support of said claims, and examine such documentary evidence as may be produced in support thereof, and to adjust the same, upon the principles of justice and equity, and the said damages, if any, shall be paid out of the fund provided for the payment of damages, and audited in the usual way.

NER MIDDLESWARTH,
Speaker of the House of Representatives.
THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The thirty-first day of March, A. D. eighteen hundred and thirty-six.

JOS: RITNER,

No. 11.

Resolution

Relative to the claims of Joseph Smith, Peter Livergood, George Patton Boyer, John Gallagher and George Keener, Isaac Klecknor and James M'Gee, for damages done by the construction of the Pennsylvania Canal and Columbia Railroad.

Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, That the Canal Commissioners be, and they are hereby authorized, to ascertain whether the ground occupied by the erection of water stations and wood-houses, on the land of

respects marine risks, investments, and the time of holding elections, to the Philadelphia fire and inland navigation company, and the same are hereby so extended, subject to the provisions of said section.

Confirming
the official
acts of cer-
tain justices
of the peace
in Wayne co.

Appeals from
judgments
may be pros-
ecuted, etc.

Resolved, That all acknowledgments of deeds, powers of attorney, and other instruments of writing heretofore taken, all judgments hitherto rendered, and all other, the official and judicial acts heretofore performed by certain justices of the peace of Wayne county, who have not resided within the limits for which they were commissioned, be, and the same are hereby confirmed, and declared to be as valid and effectual as they would have been, had the said justices resided within the limits of their proper districts, at the time of taking such acknowledgments, rendering such judgments, or performing such other official and judicial acts, as aforesaid; and where appeals have been made from the judgments of any of the said justices, the same may be prosecuted to judgment, discontinuance, or non pros, as in other cases.

NER MIDDLESWARTH,
Speaker of the House of Representatives.
THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The first day of April, eighteen hundred and thirty-six.

JOS: RITNER.



No. 13.

Resolution

Authorizing superintendents of motive power on railways of the commonwealth, to draw and disburse monies, under certain conditions, and for certain purposes.

Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, That the superintendents of transportation, or motive power, on the railways of this commonwealth, shall have power to draw, out of money received from motive power, and disburse monies for the maintainance of motive power, agreeably to the provisions of the ninth section of the act passed the sixth day of April, eighteen hundred and thirty, entitled "An act relative to the appointment of Canal Commissioners:" *Provided*, The amount of surety shall be

Power of su-
perintend'nts
to disburse
monies.

Provided.

increased to ten thousand dollars, and that the said superintendents may draw any amount not exceeding five thousand dollars.

Resolved, That the Canal Commissioners shall, immediately after the passage of this resolution, procure, or cause to be procured, a steam tow-boat, to be used for the purpose of towing all boats, or other craft, navigating the Delaware division of the Pennsylvania canal, between Bristol and Philadelphia, and Bordentown, and that they are hereby required to have the same in readiness at as early a period as possible, so as to accommodate the trade of the ensuing season.

Resolved, That the said Canal Commissioners are also required to charge a toll, not exceeding three dollars, on all boats and other craft towed from Bristol to Philadelphia, or from Philadelphia to Bristol, and one dollar and fifty cents on the same from Bristol to Bordentown, or from Bordentown to Bristol, by the said steam tow-boat; that the sum of \$8,000 appropriated to purchase or hire said steam tow-boat and machinery, and the expense of repairing and working the same, may be paid out of the money received for tonnage, which shall be regularly accounted for by the person employed by the Canal Commissioners to manage the said boat.

Resolved, That the commissioners of the internal improvement fund be, and they are hereby directed to pay to the widow of Thomas Green, deceased, late a lock tender on the Western division of the Pennsylvania canal, the amount that is due her late husband for tending lock number five, viz: from the fourth day of April, one thousand eight hundred and twenty-nine, to the twenty-second day of August of the same year.

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The first day of April, A. D. eighteen hundred and thirty-six.

JOS: RITNER.

No. 14.

Resolution

Requiring the President, Faculty and Trustees of Colleges, and Trustees or Managers of Academies or Schools, (other than Common Schools,) to make certain reports to the Superintendent of Common Schools.

Duty of superintendent of common schools.

Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That on or before the first day of November, annually, it shall be the duty of the president, faculty and trustees of each university or college, and the preceptor, trustees or managers of each academy or school, other than common schools, having received aid from this commonwealth, to report the number of students in each class, and the total number of graduates, if any, course of studies pursued, financial resources and expenses, the future prospects of their several institutions, accompanied with such remarks as may illustrate their general condition, to the Superintendent of Common Schools, so much of which, it shall be his duty to lay before the legislature, in his annual report, as he may deem proper.

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS CUNNINGHAM,
Speaker of the Senate.

APPROVED—The first day of April, A. D. eighteen hundred and thirty-six.

JOS: RITNER.

No. 15.

Resolution

Relative to the claim of Edward Innman, James and Samuel Thompson, and Joseph Wright.

Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly

net, That the Canal Commissioners be, and they are hereby authorized to ascertain whether certain land, the property of Edward Innman, of Luzerne county, has been taken by the agents of the state, for the purpose of erecting buildings thereon for the use of the commonwealth, and whether the same was taken into account when the adjustment of his damage claim was made, and if not, to settle and adjust the same, agreeably to the laws of the commonwealth, on the subject of damages. Claim of Ed. w'd. Innman

Resolved, That the appraisers of damages on the Pennsylvania canal, be, and they are hereby authorized and required to re-examine and assess the damages, if any, which have been sustained by James and Samuel Thompson, of Juniata county, by reason of the construction of the Pennsylvania canal, taking into consideration the advantages of said canal to the said property, under the rules and regulations, and restrictions, in assessing damages, in other cases of damage on the Pennsylvania canal, and the sum so reported, if approved of by the Canal Commissioners, shall be paid out of the damage fund, as in other cases. Damages sustained by Jas. and Samuel Thompson to be re-examined and assessed.

Resolved, That the appraisers of damages on the Pennsylvania canal, be, and they are hereby authorized and required to re-examine and assess the damages, if any, which have been sustained by Joseph Wright, of Luzerne county, by reason of the construction of the Pennsylvania canal, taking into consideration the advantages of said canal to the said property, under the rules and regulations, and restrictions in assessing damages in other cases of damage on the Pennsylvania canal, and their report shall be laid before the board of Canal Commissioners, and upon their approving of the same, the sum so reported shall be paid out of the damage fund, as in other cases. Damages sustained by Jos. Wright to be re-examined and assessed.

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The first day of April, Anno Domini, eighteen hundred and thirty-six.

JOS: RITNER.

No. 16.

Resolution

Relative to the claims of John A. Lloyd, the heirs of John Lawson, deceased, Franklin Stratton, James P. White, and William Graham, and Jane Parsons.

Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, That the appraisers of damages on the Pennsylvania canal be, and they are hereby authorized and required to re-examine and assess the damage, if any, which has been sustained by John A. Lloyd, of Northumberland county, by reason of the construction of the Pennsylvania canal, taking into consideration the advantages of said canal to the said property, under the rules, and regulations and restrictions in assessing damages on the Pennsylvania canal, and the sum so reported, shall be paid out of the damage fund, as in other cases.

Damage sustained by J. Lloyd to be re-examined and assessed.

Damages sustained by the heirs of Jno. Lawson, dec'd. to be ascertained and paid.

Resolved, That the appraisers of damages on the Pennsylvania canal be, and they are hereby authorized and required to ascertain whether the washing away of the island of the heirs of John Lawson, deceased, is caused wholly, or in part, by the erection of the Muncy dam in the river Susquehanna, and if they find the said dam is the cause, wholly, or in part, of the said washing away, the said appraisers shall ascertain and report what damages the said heirs of John Lawson have sustained, taking into consideration the advantages of the said canal to the said property, under the rules, regulations and restrictions in assessing damages on the Pennsylvania canal, and the sum so reported, shall be paid out of the damage fund, as in other cases.

Claim of F. Stratton to be adjusted.

Resolved, That the Canal Commissioners be, and they are hereby authorized to settle and adjust the claim of Franklin Stratton, late a contractor on the French Creek division of the Pennsylvania canal, for compensation for losses sustained by a change of the location of the dam and guard lock on the French Creek feeder of the Pennsylvania canal, as may, upon examination and investigation, appear equitable and just, and the Auditor General is hereby authorized to audit the same, in the way and manner other claims are audited.

Damages sustained by J. P. White and W. Graham to be ascertained, etc.

Resolved, That it shall be the duty of the Canal Commissioners to ascertain the amount of damages sustained by James P. White and William Graham, in consequence of the destruction of a passenger car, called "Home," in August, Anno Domini, eighteen hundred and thirty-four, on plain number five, and if, in their opinion, the said loss was

No. 18.

Resolution

Repealing the third section of the act entitled "A further supplement to the act entitled An act authorizing the Governor to incorporate the Bald Eagle and Spring creek navigation company, passed thirty-first day of March, eighteen hundred and thirty-six.

Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That the third section of the act entitled "A further supplement to the act entitled An act authorizing the Governor to incorporate the Bald Eagle and Spring Creek navigation company," passed the thirty-first day of March, eighteen hundred and thirty-six, be, and the same is hereby repealed. 3d section of act of 31st March, 1836, repealed.

Resolved, That to carry into effect the provisions of the supplement to the act authorizing the Governor to incorporate the Bald Eagle and Spring Creek navigation company, Governor to passed the seventh of April, A. D. eighteen hundred and thirty-five, the Governor is authorized to draw his warrant, draw his warrant, etc. semi-annually, on the State Treasurer, for any sum which may be necessary to comply with the provisions of the said supplement: *Provided,* That the interest to be paid, shall be paid *Proviso as to* only on such sums as may have been actually expended on interest. the said work, according to the directions of the second section of the said supplement, and that it shall be the duty of the president and treasurer of the said company, within fifteen days after the first Monday in January, and second Tuesday in July, in each year, to certify, on oath, to the Auditor General, the amount expended on the said work, for the purpose of enabling the Governor to draw his warrant as aforesaid: *And provided also,* That this resolution shall not 2d Proviso. be construed to interfere with the provisions of the said second section, as to the payment of the deficit of five per cent. after tolls shall have been received on said work.

NER MIDDLESWARTH.

Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,

Speaker of the Senate.

APPROVED—The fourteenth day of June, Anno Domini, one thousand eighteen hundred and thirty-six.

JOS: RITNER.

No. 19.

Resolution

Relating to the procuring and opening of books for receiving subscriptions of the stock of the company for making a lock navigation on the Monongahela river, and for other purposes.

Preamble.

WHEREAS, in and by an act of the general assembly of the commonwealth of Pennsylvania, entitled "An act to authorize the Governor to incorporate a company to make a lock navigation on the river of Monongahela," approved the thirty-first day of March, one thousand eight hundred and thirty-six, it is made the duty of the commissioners therein named, to procure and prepare books for receiving subscriptions of stock of said company, on or before the first Monday of May, one thousand eight hundred and thirty-six; *And whereas*, the period of time between the passage of said act and the said first Monday of May, was not sufficient to enable the said commissioners to perform the duty so enjoined upon them; Therefore,

Relating to subscriptions of stock in the Monongahela lock navigation company.

Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That the said commissioners be, and they are hereby authorized to receive subscriptions to the stock of said company, in books which may have been opened at any time, in conformity with the directions contained in the said act, and all such subscriptions of stock shall be as valid, in all respects, as if the said books had been procured and prepared on or before the said first Monday in May.

Making valid the subscriptions to the stock of the Lenox and Shammony turnpike road, etc.

Resolved, That the subscriptions heretofore made to the stock of the Lenox and Shammony turnpike road, shall be as valid as if taken within the time prescribed by law, and that any subscription that is, or may hereafter be made to the stock of the Gettysburg and Hagerstown turnpike road company, shall be as valid without, as with the payment of one dollar per share at the time of subscribing.

Philad'a. and Lancaster turnpike co. authorized to commute, raise or diminish the tolls, etc.

Resolved, That the president, managers and company of the Philadelphia and Lancaster turnpike road, be, and they are hereby authorized and empowered to commute, raise or diminish, in part or in whole, the tolls and rates which, by the twelfth section of the act incorporating the said president, managers and company, they are authorized and empowered to collect and receive of, and from all and every person and persons using said road.

Provided, That the said tolls and rates shall not be raised so as to exceed the limits specified in the eighteenth section of the act of incorporation aforesaid. Tolls limited.

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The fourteenth day of June, Anno Domini, eighteen hundred and thirty-six

JOS: RITNER.

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No. 20.

Resolution

Relative to the rates of toll to be charged on that part of the Baltimore and Ohio railroad which passes through Pennsylvania.

Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania, That the assent of said Commonwealth is hereby given, to so much of the provisions of the ninth section of an act of Assembly of the state of Maryland; passed on the day of June, one thousand eight hundred and thirty-six, entitled “An act for the promotion of internal improvement,” as authorizes the Baltimore and Ohio railroad company, in addition to the charge now authorized to be made by said company, for the transportation of passengers, to increase the price or charge for such transportation, to any amount not exceeding one cent per mile for each person passing on said railroad. Assent of Penn'a. to part of the act of Maryland relating to tolls, etc.

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The fifteenth day of June, Anno Domini, one thousand eight hundred and thirty-six.

JOS: RITNER.

No. 21.

Resolution.

Relative to the estate of Julian Weyland.

Costs of escheated estate of Julian Weyland to be adjusted.

Preamble to S. Luter's case.

Sta's Treasurer to pay S. Luter, \$37 76.

Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, That the Auditor General be, and he is hereby authorized and directed to settle and adjust the costs which accrued in the case of the alleged escheat of the estate of Julian Weyland, late of Mifflin, (now Juniata county,) and to draw his warrants on the State Treasurer for the amount which shall be found respectively due.

WHEREAS, it appears to the satisfaction of your committee, that Solomon Luter of the county of Westmoreland, procured a warrant on the thirtieth of November, eighteen hundred and thirty-five, for land in said county, which was improved in the year, A. D., eighteen hundred and eleven, which improvement has been continued up to the present time, and that for said warrant, he paid at the rate of £10 per hundred acres, whereas, agreeably to the existing laws, he ought to have only paid at the rate of fifty shillings per hundred acres; Therefore,

Resolved, That the State Treasurer pay to Solomon Luter, the sum of twenty-seven dollars and seventy-six cents, the amount overpaid for said warrant.

NER MIDDLESWARTH,

Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,

Speaker of the Senate.

APPROVED—The sixteenth day of June, Anno Domini, one thousand eight hundred and thirty-six.

JOS. RITNER

No. 22.

Resolution.

Relative to making Waynesboro' in the county of Franklin, a point in the contemplated railroad from Gettysburg to intersect the Baltimore and Ohio railroad, in the state of Maryland.

Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly

met, That should the railroad from the borough of Gettys-Waynesboro, burg, in the county of Adams, to intersect the Baltimore to be made a and Ohio railroad, in the state of Maryland, be made, that point in the the borough of Waynesboro', in the county of Franklin, railroad from shall be made a point through which the same shall pass: Gettysburg, etc.
Provided, The same is practicable, and deemed expedient by the Canal Commissioners.

That the term of the several courts in the county of Altering the Washington, which by the existing law commences on the time of hold- fourth Monday of September, in each year, shall hereafter ing court in commence on the third Monday of October, in each year, Washington county, and so much of any law as is inconsistent herewith, be, and the same is hereby repealed.

NER MIDDLESWARTH,
 Speaker of the House of Representatives.
 THOMAS S. CUNNINGHAM,
 Speaker of the Senate.

APPROVED—The sixteenth day of June, A. D., one thousand eight hundred and thirty-six.

JOS: RITNER.

No. 23.

Resolution

Authorizing the Canal Commissioners to purchase Locomotives, to cause surveys to be made, to avoid the inclined plane at Columbia, and the inclined planes on the Portage railroad, and for other purposes.

Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That the Canal Commissioners be, and they are hereby American lo- authorized to contract for any number of locomotive comotive en- gines, of American manufacture, in which stone coal shall gines. alone be used, that they deem necessary for transportation upon the railways of this commonwealth.

Resolved, That the Canal Commissioners be authorized Survey rel- and required to cause a survey and estimate to be made, of tive to the in- the best mode of avoiding the inclined planes at Columbia clined planes and Philadelphia, and make report thereof to the next legis- at Columbia lature, towards which a sum not exceeding one thousand and Philad'a. \$1,000 ap- dollars, is hereby appropriated; and after such survey, if a propriated route be found by which it is considered practicable to avoid the inclined plane at Columbia, at an expense not exceeding

\$25,000 ap- one hundred and twenty thousand dollars, they shall put the
appropriated same under contract, towards the payment of which, the sum
to avoid the of twenty-five thousand dollars is hereby appropriated, to be
plane at Co- charged to the internal improvement fund.
lumbia.

The West

Philad'a. rail-

road to be

surveyed, &c.

Resolved, That the Canal Commissioners be, and they are
 authorized and directed to have the west Philadelphia rail-
 road surveyed by the state engineers, to have the length and
 grade of said road reported to the next legislature, and to
 report to the next legislature upon the expediency of the com-
 monwealth's purchasing the same.

Inclined

planes on the

Portage rail-

road to be

avoided if pos-

sible; \$2,000

appropriated.

Resolved, That the Canal Commissioners be authorized
 and required to cause a survey to be made across the Allegheny
 mountain, with a view to avoid, if possible, the inclined planes
 on the Portage railroad, and make report thereof to the next
 legislature, for which the sum of two thousand dollars is
 hereby specifically appropriated.

Relating to

the Erie ex-

tension, and

West Branch

division

Penn'a. canal

Resolved, That if the sum of two hundred thousand dollars,
 appropriated to the construction of that part of the Pennsyl-
 vania canal extending towards the harbor of Erie, by the act
 entitled, "An act to repeal the state tax on real and personal
 property, and to continue and extend the improvements of
 the state by railroads and canals, and to charter a state bank,
 to be called the United States Bank," and the sum of one
 hundred and fifty thousand dollars appropriated by the same
 act to the extension of the North Branch division of the
 Pennsylvania canal, should be expended before another
 appropriation shall be made by the legislature, the Governor
 shall be, and he is hereby authorized to negotiate a temporary
 loan, not exceeding two hundred thousand dollars, at an
 interest not exceeding four per cent., with any bank, corpora-
 tion, individual or individuals, as in his opinion may be
 most advantageous, the money so borrowed, to be paid to and
 vested in the commissioners of the internal improvement
 fund, and to be applied towards the completion of so much
 of the improvements aforesaid, as may be put under contract
 by the Canal Commissioners during the present year, and to
 be repaid to the lender or lenders, within twelve months
 from the time of the negotiation of such loan, in such manner
 as may be hereafter provided by the legislature.

Temporary

loan of 200,-

000 dolls. au-

thorized.

How applied.

Unservicea-

ble locomo-

tive engines

to be sold.

Additional

feeders to

supply canal

Resolved, That the Canal Commissioners be, and they are
 hereby authorized to sell and dispose of to the best advantage,
 all such of the locomotive engines belonging to the state, as
 in their opinion are unfit for service on the railroads, and the
 money arising therefrom, shall be paid into the internal
 improvement fund.

Additional

feeders to

supply canal

Resolved, That the Canal Commissioners be authorized
 and required to inquire into the expediency of providing
 additional feeders for the supply of the Pennsylvania canal,
 between Nanticoke and Northumberland.

Resolved, That the sum of eight thousand dollars appropriated by resolution No. 424, passed the first day of April, Anno Domini, one thousand eight hundred and thirty-six, for the purpose of procuring a steam tow-boat, to ply between Philadelphia and Bristol, and Bristol and Bordentown, be charged to the internal improvement fund, and that the State Treasurer pay the said sum to the commissioners of the internal improvement fund, out of any monies in the treasury not otherwise appropriated.

NER MIDDLESWARTH,
Speaker of the House of Representatives.
THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The sixteenth day of June, A. D. one thousand eight hundred and thirty-six.

JOS: RITNER.

No. 24.

Resolution

Relative to the distribution of the Surplus Revenue of the United States.

WHEREAS, it is an incumbent duty constantly to guard the liberties of the people, and our free institutions of government, acquired for us by the valour and virtue of our revolutionary fathers, from the encroachment of power, common to all governments; *And whereas*, the immediate representatives of the people are bound to warn them of approaching danger, and endeavour to avert it from them:

Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, That this Assembly will maintain and defend the constitution of the United States, the rights of the states, and the integrity of the Union, and that it solemnly expresses its devotion to that Union, and its conviction that it can be preserved only by opposing every violation of the principles upon which it is based;

That the powers of the federal government are defined by a written constitution, and are specifically enumerated; no power can be rightly claimed for, or be exercised by it, that is not expressly given, "and the powers not delegated to the United States by the constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people;" any attempt by the federal government, or those who administer it, to encroach upon, overawe, interfere

with, or controul the states in the exercise of their reserved rights, or to extend the power of the federal government beyond the limits expressly prescribed by the constitution of the United States, is an usurpation, and infraction of those principles which constitute the only basis of our Union, and must be dangerous and fatal in its consequences;

Dangers of
consolidation
& Monarchy
apprehended

That this general assembly views with profound regret the spirit manifested to enlarge the powers of the general government, and to wield those which are conferred to obtain an influence over the states, to interfere with the domestic policy of the state governments, to overawe and controul them in the free exercise of their reserved rights, "and so to consolidate the states by degrees, into one sovereignty, the obvious tendency and inevitable result of which would be, to transform the present republican system of the United States into an absolute, or at best, a mixed monarchy;"

Deprecating
the invest-
ment of the
surplus rev-
enue of the
U. S. in state
stocks.

That this general assembly consider the proposition lately made in the Congress of the United States, to invest the surplus revenue of the nation in stocks, issued by the states, as a measure fraught with danger, calculated to give to the federal government a power which, if wielded by corrupt hands, would be inimical to the liberties of the country in an eminent degree, and under all circumstances injurious; it may be properly characterized as one of those measures "in fiscal systems and arrangements, which keep an host of commercial and wealthy individuals embodied and obedient to the mandates of the treasury," and it would give to the federal government a decided influence in the councils of such states as it might be thought expedient to win to its purposes; it would foster and encourage a system of gambling and speculation in stocks, giving to the agents of the government, the opportunity of employing the public money to promote private interests, to reward corrupt favourites, and acquire an interest among the community, leading to servile devotion to those clothed with the power of the general government:

Evils and
dangers of
consolidation
and monar-
chy portray-
ed.

If to this, be added an increase of the standing army and navy beyond the necessities of the country, "which will on one hand, enlist the tendency of man to pay homage to his fellow-creature who can feed and honour him, and on the other, employ the principle of fear by punishing imaginary insurrections, under the pretext of preventive justice;" and if we further, have enormous expenditures of the public treasure in the construction of fortifications, necessary in a country where the government must keep the people in subjection, but here only to be tolerated at points essential to defence from foreign foes, and if in this course of policy, "swarms of officers, civil and military, are required, who can inculcate political tenets tending to consolidation and

monarchy, both by indulgences and severities, and can act as spies over the free exercise of human reason," if all these measures are at once pursued by the general government, we may well fear the tendencies to consolidation, and warn the people of approaching danger; Therefore,

Resolved, That our senators in Congress be instructed, ^{Senators in} and our representatives requested, to vote against any bill ^{Congress in-} for investing the surplus revenue of the United States in ^{structed and} stocks, issued or authorized by the respective states, believing ^{representa-} "that the most safe, just, and federal disposition which ^{tives request-} could be made of the surplus revenue, would be its appor- ^{ed to vote a-} tionment among the several states." ^{gainst invest-} ^{ing the sur-} ^{plus revenue.}

Resolved, That copies of the foregoing resolutions be transmitted by the Governor, to each of the senators and representatives from the state of Pennsylvania in Congress; to be laid before the Senate and House of Representatives of the United States.

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The sixteenth day of June, A. D. one thousand eight hundred and thirty-six.

JOS: RITNER.

SECRETARY'S OFFICE, HARRISBURG,
July 28, 1836.

I certify, that in obedience to the directions of an act of the General Assembly of the Commonwealth of Pennsylvania, I have collated with and corrected by the original rolls on file and of record in this office, the proof sheets of the printed copies of the foregoing acts and resolutions, being the whole number of laws passed during the session of the legislature which terminated on the 16th day of June, 1836.

THOS. H. BURROWES,
Secretary of the Commonwealth.

ERRATA.

- PAGE 192, in the tenth line of fourteenth section, for "and place where," read
"*and place when and where.*"
- " 473, in the title of act No. 151, for "An act The Towanda," &c. read "An
act *To incorporate the Twanda,*" &c.
- " 535, in the third line of third section, for "Southward," read "*Southward.*"
- " 590, in last line of forty-third section, for "then and there writ," read
"*then there this writ.*"
- " 623, in second line of first article, second section, for "township within,"
read "*township office within.*"
- " 712, in thirteenth line of thirty-eighth section, for "as are now," read
"*are now.*"

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